



Sen. Kirk W. Dillard

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09700HB2582sam002

LRB097 07362 MRW 69385 a

1 AMENDMENT TO HOUSE BILL 2582

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2582, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "ARTICLE 5.

6 Section 5-5. The Statute on Statutes is amended by adding  
7 Section 1.39 as follows:

8 (5 ILCS 70/1.39 new)

9 Sec. 1.39. Criminal Code of 2012. Whenever there is a  
10 reference in any Act to the Criminal Code or Criminal Code of  
11 1961, that reference shall be interpreted to mean the Criminal  
12 Code of 2012.

13 ARTICLE 10.

1 Section 10-5. The Criminal Code of 1961 is amended by  
2 changing Sections 1-1, 12-7.1, 12-36, 16-18, 18-1, 18-3, 18-4,  
3 19-1, 19-2, 19-3, 19-4, 20-1, 20-2, 21-1, 21-1.2, 21-1.3,  
4 21-1.4, 21-2, 21-3, 21-5, 21-7, 21-8, 21-9, 21-10, 21.1-2,  
5 21.2-2, 25-1, 25-4, 25-5, 26-1, 26-2, 26-3, 28-1, 28-1.1, 30-2,  
6 31A-1.1, 31A-1.2, 32-1, 32-2, 32-3, 32-4b, 32-4c, 32-4d, 32-7,  
7 32-8, 32-9, 32-10, 33-1, 33E-11, 33E-14, 33E-15, 33E-16, and  
8 33E-18 and by changing and renumbering Sections 12-11, 12-11.1,  
9 21-4, and 26-5 and by adding the headings of Subdivisions 1, 5,  
10 and 10 of Article 21 and Sections 2-11.1, 21-11, 26-4.5, 26-7,  
11 31A-0.1, 32-15, and 33-8 and by adding Articles 24.8, 26.5, 48  
12 and 49 as follows:

13 (720 ILCS 5/1-1) (from Ch. 38, par. 1-1)

14 Sec. 1-1. Short title.

15 This Act ~~shall be known and~~ may be cited as the Criminal  
16 Code of 2012. ~~"Criminal Code of 1961".~~

17 (Source: Laws 1961, p. 1983.)

18 (720 ILCS 5/2-11.1 new)

19 Sec. 2-11.1. "Motor vehicle". "Motor vehicle" has the  
20 meaning ascribed to it in the Illinois Vehicle Code.

21 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

22 Sec. 12-7.1. Hate crime.

23 (a) A person commits hate crime when, by reason of the

1 actual or perceived race, color, creed, religion, ancestry,  
2 gender, sexual orientation, physical or mental disability, or  
3 national origin of another individual or group of individuals,  
4 regardless of the existence of any other motivating factor or  
5 factors, he commits assault, battery, aggravated assault,  
6 misdemeanor theft, criminal trespass to residence, misdemeanor  
7 criminal damage to property, criminal trespass to vehicle,  
8 criminal trespass to real property, mob action, ~~or~~ disorderly  
9 conduct, harassment by telephone, or harassment through  
10 electronic communications as these crimes are defined in  
11 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,  
12 25-1, ~~and 26-1,~~ 26.5-2, and paragraphs (a)(2) and (a)(5) of  
13 Section 26.5-3 of this Code, respectively, ~~or harassment by~~  
14 ~~telephone as defined in Section 1-1 of the Harassing and~~  
15 ~~Obscene Communications Act, or harassment through electronic~~  
16 ~~communications as defined in clauses (a)(2) and (a)(4) of~~  
17 ~~Section 1-2 of the Harassing and Obscene Communications Act.~~

18 (b) Except as provided in subsection (b-5), hate crime is a  
19 Class 4 felony for a first offense and a Class 2 felony for a  
20 second or subsequent offense.

21 (b-5) Hate crime is a Class 3 felony for a first offense  
22 and a Class 2 felony for a second or subsequent offense if  
23 committed:

24 (1) in a church, synagogue, mosque, or other building,  
25 structure, or place used for religious worship or other  
26 religious purpose;

1           (2) in a cemetery, mortuary, or other facility used for  
2 the purpose of burial or memorializing the dead;

3           (3) in a school or other educational facility,  
4 including an administrative facility or public or private  
5 dormitory facility of or associated with the school or  
6 other educational facility;

7           (4) in a public park or an ethnic or religious  
8 community center;

9           (5) on the real property comprising any location  
10 specified in clauses (1) through (4) of this subsection  
11 (b-5); or

12           (6) on a public way within 1,000 feet of the real  
13 property comprising any location specified in clauses (1)  
14 through (4) of this subsection (b-5).

15           (b-10) Upon imposition of any sentence, the trial court  
16 shall also either order restitution paid to the victim or  
17 impose a fine up to \$1,000. In addition, any order of probation  
18 or conditional discharge entered following a conviction or an  
19 adjudication of delinquency shall include a condition that the  
20 offender perform public or community service of no less than  
21 200 hours if that service is established in the county where  
22 the offender was convicted of hate crime. In addition, any  
23 order of probation or conditional discharge entered following a  
24 conviction or an adjudication of delinquency shall include a  
25 condition that the offender enroll in an educational program  
26 discouraging hate crimes if the offender caused criminal damage

1 to property consisting of religious fixtures, objects, or  
2 decorations. The educational program may be administered, as  
3 determined by the court, by a university, college, community  
4 college, non-profit organization, or the Holocaust and  
5 Genocide Commission. Nothing in this subsection (b-10)  
6 prohibits courses discouraging hate crimes from being made  
7 available online. The court may also impose any other condition  
8 of probation or conditional discharge under this Section.

9 (c) Independent of any criminal prosecution or the result  
10 thereof, any person suffering injury to his person or damage to  
11 his property as a result of hate crime may bring a civil action  
12 for damages, injunction or other appropriate relief. The court  
13 may award actual damages, including damages for emotional  
14 distress, or punitive damages. A judgment may include  
15 attorney's fees and costs. The parents or legal guardians,  
16 other than guardians appointed pursuant to the Juvenile Court  
17 Act or the Juvenile Court Act of 1987, of an unemancipated  
18 minor shall be liable for the amount of any judgment for actual  
19 damages rendered against such minor under this subsection (c)  
20 in any amount not exceeding the amount provided under Section 5  
21 of the Parental Responsibility Law.

22 (d) "Sexual orientation" means heterosexuality,  
23 homosexuality, or bisexuality.

24 (Source: P.A. 96-1551, eff. 7-1-11; 97-161, eff. 1-1-12;  
25 revised 9-19-11.)

1 (720 ILCS 5/12-36)

2 Sec. 12-36. Possession of unsterilized or vicious dogs by  
3 felons prohibited.

4 (a) For a period of 10 years commencing upon the release of  
5 a person from incarceration, it is unlawful for a person  
6 convicted of a forcible felony, a felony violation of the  
7 Humane Care for Animals Act, a felony violation of Section 26-5  
8 or 48-1 of this Code, a felony violation of Article 24 of this  
9 Code, a felony violation of Class 3 or higher of the Illinois  
10 Controlled Substances Act, a felony violation of Class 3 or  
11 higher of the Cannabis Control Act, or a felony violation of  
12 Class 2 or higher of the Methamphetamine Control and Community  
13 Protection Act, to knowingly own, possess, have custody of, or  
14 reside in a residence with, either:

15 (1) an unspayed or unneutered dog or puppy older than  
16 12 weeks of age; or

17 (2) irrespective of whether the dog has been spayed or  
18 neutered, any dog that has been determined to be a vicious  
19 dog under Section 15 of the Animal Control Act.

20 (b) Any dog owned, possessed by, or in the custody of a  
21 person convicted of a felony, as described in subsection (a),  
22 must be microchipped for permanent identification.

23 (c) Sentence. A person who violates this Section is guilty  
24 of a Class A misdemeanor.

25 (d) It is an affirmative defense to prosecution under this  
26 Section that the dog in question is neutered or spayed, or that

1 the dog in question was neutered or spayed within 7 days of the  
2 defendant being charged with a violation of this Section.  
3 Medical records from, or the certificate of, a doctor of  
4 veterinary medicine licensed to practice in the State of  
5 Illinois who has personally examined or operated upon the dog,  
6 unambiguously indicating whether the dog in question has been  
7 spayed or neutered, shall be prima facie true and correct, and  
8 shall be sufficient evidence of whether the dog in question has  
9 been spayed or neutered. This subsection (d) is not applicable  
10 to any dog that has been determined to be a vicious dog under  
11 Section 15 of the Animal Control Act.

12 (Source: P.A. 96-185, eff. 1-1-10.)

13 (720 ILCS 5/16-18)

14 Sec. 16-18. Tampering with communication services; theft  
15 of communication services.

16 (a) Injury to wires or obtaining service with intent to  
17 defraud. A person commits injury to wires or obtaining service  
18 with intent to defraud when he or she knowingly:

19 (1) displaces, removes, injures or destroys any  
20 telegraph or telephone line, wire, cable, pole or conduit,  
21 belonging to another, or the material or property  
22 appurtenant thereto; or

23 (2) cuts, breaks, taps, or makes any connection with  
24 any telegraph or telephone line, wire, cable or instrument  
25 belonging to another; or

1           (3) reads, takes or copies any message, communication  
2 or report intended for another passing over any such  
3 telegraph line, wire or cable in this State; or

4           (4) prevents, obstructs or delays by any means or  
5 contrivance whatsoever, the sending, transmission,  
6 conveyance or delivery in this State of any message,  
7 communication or report by or through any telegraph or  
8 telephone line, wire or cable; or

9           (5) uses any apparatus to unlawfully do or cause to be  
10 done any of the acts described in subdivisions (a)(1)  
11 through (a)(4) of this Section; or

12           (6) obtains, or attempts to obtain, any  
13 telecommunications service with the intent to deprive any  
14 person of the lawful charge, in whole or in part, for any  
15 telecommunications service:

16           (A) by charging such service to an existing  
17 telephone number without the authority of the  
18 subscriber thereto; or

19           (B) by charging such service to a nonexistent,  
20 false, fictitious, or counterfeit telephone number or  
21 to a suspended, terminated, expired, canceled, or  
22 revoked telephone number; or

23           (C) by use of a code, prearranged scheme, or other  
24 similar stratagem or device whereby said person, in  
25 effect, sends or receives information; or

26           (D) by publishing the number or code of an

1 existing, canceled, revoked or nonexistent telephone  
2 number, credit number or other credit device or method  
3 of numbering or coding which is employed in the  
4 issuance of telephone numbers, credit numbers or other  
5 credit devices which may be used to avoid the payment  
6 of any lawful telephone toll charge; or

7 (E) by any other trick, stratagem, impersonation,  
8 false pretense, false representation, false statement,  
9 contrivance, device, or means.

10 (b) Theft of communication services. A person commits theft  
11 of communication services when he or she knowingly:

12 (1) obtains or uses a communication service without the  
13 authorization of, or compensation paid to, the  
14 communication service provider;

15 (2) possesses, uses, manufactures, assembles,  
16 distributes, leases, transfers, or sells, or offers,  
17 promotes or advertises for sale, lease, use, or  
18 distribution, an unlawful communication device:

19 (A) for the commission of a theft of a  
20 communication service or to receive, disrupt,  
21 transmit, decrypt, or acquire, or facilitate the  
22 receipt, disruption, transmission, decryption or  
23 acquisition, of any communication service without the  
24 express consent or express authorization of the  
25 communication service provider; or

26 (B) to conceal or to assist another to conceal from

1           any communication service provider or from any lawful  
2           authority the existence or place of origin or  
3           destination of any communication;

4           (3) modifies, alters, programs or reprograms a  
5           communication device for the purposes described in  
6           subdivision (2) (A) or (2) (B);

7           (4) possesses, uses, manufactures, assembles, leases,  
8           distributes, sells, or transfers, or offers, promotes or  
9           advertises for sale, use or distribution, any unlawful  
10          access device; or

11          (5) possesses, uses, prepares, distributes, gives or  
12          otherwise transfers to another or offers, promotes, or  
13          advertises for sale, use or distribution, any:

14               (A) plans or instructions for making or assembling  
15               an unlawful communication or access device, with the  
16               intent to use or employ the unlawful communication or  
17               access device, or to allow the same to be used or  
18               employed, for a purpose prohibited by this subsection  
19               (b), or knowing or having reason to know that the plans  
20               or instructions are intended to be used for  
21               manufacturing or assembling the unlawful communication  
22               or access device for a purpose prohibited by this  
23               subsection (b); or

24               (B) material, including hardware, cables, tools,  
25               data, computer software or other information or  
26               equipment, knowing that the purchaser or a third person

1 intends to use the material in the manufacture or  
2 assembly of an unlawful communication or access device  
3 for a purpose prohibited by this subsection (b).

4 (c) Sentence.

5 (1) A violation of subsection (a) is a Class A  
6 misdemeanor; provided, however, that any of the following  
7 is a Class 4 felony:

8 (A) a second or subsequent conviction for a  
9 violation of subsection (a); or

10 (B) an offense committed for remuneration; or

11 (C) an offense involving damage or destruction of  
12 property in an amount in excess of \$300 or defrauding  
13 of services in excess of \$500.

14 (2) A violation of subsection (b) is a Class A  
15 misdemeanor, except that:

16 (A) A violation of subsection (b) is a Class 4  
17 felony if:

18 (i) the violation of subsection (b) involves  
19 at least 10, but not more than 50, unlawful  
20 communication or access devices; or

21 (ii) the defendant engages in conduct  
22 identified in subdivision (b)(3) of this Section  
23 with the intention of substantially disrupting and  
24 impairing the ability of a communication service  
25 provider to deliver communication services to its  
26 lawful customers or subscribers; or

1 (iii) the defendant at the time of the  
2 commission of the offense is a pre-trial detainee  
3 at a penal institution or is serving a sentence at  
4 a penal institution; or

5 (iv) the defendant at the time of the  
6 commission of the offense is a pre-trial detainee  
7 at a penal institution or is serving a sentence at  
8 a penal institution and uses any means of  
9 electronic communication as defined in Section  
10 26.5-0.1 of this Code ~~the Harassing and Obscene~~  
11 ~~Communications Act~~ for fraud, theft, theft by  
12 deception, identity theft, or any other unlawful  
13 purpose; or

14 (v) the aggregate value of the service  
15 obtained is \$300 or more; or

16 (vi) the violation is for a wired  
17 communication service or device and the defendant  
18 has been convicted previously for an offense under  
19 subsection (b) or for any other type of theft,  
20 robbery, armed robbery, burglary, residential  
21 burglary, possession of burglary tools, home  
22 invasion, or fraud, including violations of the  
23 Cable Communications Policy Act of 1984 in this or  
24 any federal or other state jurisdiction.

25 (B) A violation of subsection (b) is a Class 3  
26 felony if:

1 (i) the violation of subsection (b) involves  
2 more than 50 unlawful communication or access  
3 devices; or

4 (ii) the defendant at the time of the  
5 commission of the offense is a pre-trial detainee  
6 at a penal institution or is serving a sentence at  
7 a penal institution and has been convicted  
8 previously of an offense under subsection (b)  
9 committed by the defendant while serving as a  
10 pre-trial detainee in a penal institution or while  
11 serving a sentence at a penal institution; or

12 (iii) the defendant at the time of the  
13 commission of the offense is a pre-trial detainee  
14 at a penal institution or is serving a sentence at  
15 a penal institution and has been convicted  
16 previously of an offense under subsection (b)  
17 committed by the defendant while serving as a  
18 pre-trial detainee in a penal institution or while  
19 serving a sentence at a penal institution and uses  
20 any means of electronic communication as defined  
21 in Section 26.5-0.1 of this Code ~~the Harassing and~~  
22 ~~Obscene Communications Act~~ for fraud, theft, theft  
23 by deception, identity theft, or any other  
24 unlawful purpose; or

25 (iv) the violation is for a wired  
26 communication service or device and the defendant

1           has been convicted previously on 2 or more  
2           occasions for offenses under subsection (b) or for  
3           any other type of theft, robbery, armed robbery,  
4           burglary, residential burglary, possession of  
5           burglary tools, home invasion, or fraud, including  
6           violations of the Cable Communications Policy Act  
7           of 1984 in this or any federal or other state  
8           jurisdiction.

9           (C) A violation of subsection (b) is a Class 2  
10          felony if the violation is for a wireless communication  
11          service or device and the defendant has been convicted  
12          previously for an offense under subsection (b) or for  
13          any other type of theft, robbery, armed robbery,  
14          burglary, residential burglary, possession of burglary  
15          tools, home invasion, or fraud, including violations  
16          of the Cable Communications Policy Act of 1984 in this  
17          or any federal or other state jurisdiction.

18          (3) Restitution. The court shall, in addition to any  
19          other sentence authorized by law, sentence a person  
20          convicted of violating subsection (b) to make restitution  
21          in the manner provided in Article 5 of Chapter V of the  
22          Unified Code of Corrections.

23          (d) Grading of offense based on prior convictions. For  
24          purposes of grading an offense based upon a prior conviction  
25          for an offense under subsection (b) or for any other type of  
26          theft, robbery, armed robbery, burglary, residential burglary,

1 possession of burglary tools, home invasion, or fraud,  
2 including violations of the Cable Communications Policy Act of  
3 1984 in this or any federal or other state jurisdiction under  
4 subdivisions (c) (2) (A) (i) and (c) (2) (B) (i) of this Section, a  
5 prior conviction shall consist of convictions upon separate  
6 indictments or criminal complaints for offenses under  
7 subsection (b) or for any other type of theft, robbery, armed  
8 robbery, burglary, residential burglary, possession of  
9 burglary tools, home invasion, or fraud, including violations  
10 of the Cable Communications Policy Act of 1984 in this or any  
11 federal or other state jurisdiction.

12 (e) Separate offenses. For purposes of all criminal  
13 penalties or fines established for violations of subsection  
14 (b), the prohibited activity established in subsection (b) as  
15 it applies to each unlawful communication or access device  
16 shall be deemed a separate offense.

17 (f) Forfeiture of unlawful communication or access  
18 devices. Upon conviction of a defendant under subsection (b),  
19 the court may, in addition to any other sentence authorized by  
20 law, direct that the defendant forfeit any unlawful  
21 communication or access devices in the defendant's possession  
22 or control which were involved in the violation for which the  
23 defendant was convicted.

24 (g) Venue. An offense under subsection (b) may be deemed to  
25 have been committed at either the place where the defendant  
26 manufactured or assembled an unlawful communication or access

1 device, or assisted others in doing so, or the place where the  
2 unlawful communication or access device was sold or delivered  
3 to a purchaser or recipient. It is not a defense to a violation  
4 of subsection (b) that some of the acts constituting the  
5 offense occurred outside of the State of Illinois.

6 (h) Civil action. For purposes of subsection (b):

7 (1) Bringing a civil action. Any person aggrieved by a  
8 violation may bring a civil action in any court of  
9 competent jurisdiction.

10 (2) Powers of the court. The court may:

11 (A) grant preliminary and final injunctions to  
12 prevent or restrain violations without a showing by the  
13 plaintiff of special damages, irreparable harm or  
14 inadequacy of other legal remedies;

15 (B) at any time while an action is pending, order  
16 the impounding, on such terms as it deems reasonable,  
17 of any unlawful communication or access device that is  
18 in the custody or control of the violator and that the  
19 court has reasonable cause to believe was involved in  
20 the alleged violation;

21 (C) award damages as described in subdivision

22 (h) (3);

23 (D) award punitive damages;

24 (E) in its discretion, award reasonable attorney's  
25 fees and costs, including, but not limited to, costs  
26 for investigation, testing and expert witness fees, to

1 an aggrieved party who prevails; and

2 (F) as part of a final judgment or decree finding a  
3 violation, order the remedial modification or  
4 destruction of any unlawful communication or access  
5 device involved in the violation that is in the custody  
6 or control of the violator or has been impounded under  
7 subdivision (h) (2) (B).

8 (3) Types of damages recoverable. Damages awarded by a  
9 court under this Section shall be computed as either of the  
10 following:

11 (A) Upon his or her election of such damages at any  
12 time before final judgment is entered, the complaining  
13 party may recover the actual damages suffered by him or  
14 her as a result of the violation and any profits of the  
15 violator that are attributable to the violation and are  
16 not taken into account in computing the actual damages;  
17 in determining the violator's profits, the complaining  
18 party shall be required to prove only the violator's  
19 gross revenue, and the violator shall be required to  
20 prove his or her deductible expenses and the elements  
21 of profit attributable to factors other than the  
22 violation; or

23 (B) Upon election by the complaining party at any  
24 time before final judgment is entered, that party may  
25 recover in lieu of actual damages an award of statutory  
26 damages of not less than \$250 and not more than \$10,000

1           for each unlawful communication or access device  
2           involved in the action, with the amount of statutory  
3           damages to be determined by the court, as the court  
4           considers just. In any case, if the court finds that  
5           any of the violations were committed with the intent to  
6           obtain commercial advantage or private financial gain,  
7           the court in its discretion may increase the award of  
8           statutory damages by an amount of not more than \$50,000  
9           for each unlawful communication or access device  
10          involved in the action.

11          (4) Separate violations. For purposes of all civil  
12          remedies established for violations, the prohibited  
13          activity established in this Section applies to each  
14          unlawful communication or access device and shall be deemed  
15          a separate violation.

16          (Source: P.A. 97-597, eff. 1-1-12.)

17          (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

18          Sec. 18-1. Robbery; aggravated robbery.

19          (a) Robbery. A person commits robbery when he or she  
20          knowingly takes property, except a motor vehicle covered by  
21          Section 18-3 or 18-4, from the person or presence of another by  
22          the use of force or by threatening the imminent use of force.

23          (b) Aggravated robbery.

24                  (1) A person commits aggravated robbery when he or she  
25          violates subsection (a) while indicating verbally or by his

1 or her actions to the victim that he or she is presently  
2 armed with a firearm or other dangerous weapon, including a  
3 knife, club, ax, or bludgeon. This offense shall be  
4 applicable even though it is later determined that he or  
5 she had no firearm or other dangerous weapon, including a  
6 knife, club, ax, or bludgeon, in his or her possession when  
7 he or she committed the robbery.

8 (2) A person commits aggravated robbery when he or she  
9 knowingly takes property from the person or presence of  
10 another by delivering (by injection, inhalation,  
11 ingestion, transfer of possession, or any other means) to  
12 the victim without his or her consent, or by threat or  
13 deception, and for other than medical purposes, any  
14 controlled substance.

15 (c) Sentence.

16 Robbery is a Class 2 felony. ~~However,~~ unless ~~if~~ the victim  
17 is 60 years of age or over or is a physically handicapped  
18 person, or ~~if~~ the robbery is committed in a school, day care  
19 center, day care home, group day care home, or part day child  
20 care facility, or place of worship, in which case robbery is a  
21 Class 1 felony. Aggravated robbery is a Class 1 felony.

22 (d) ~~(e)~~ Regarding penalties prescribed in subsection (c)  
23 ~~(b)~~ for violations committed in a day care center, day care  
24 home, group day care home, or part day child care facility, the  
25 time of day, time of year, and whether children under 18 years  
26 of age were present in the day care center, day care home,

1 group day care home, or part day child care facility are  
2 irrelevant.

3 (Source: P.A. 96-556, eff. 1-1-10.)

4 (720 ILCS 5/18-3)

5 Sec. 18-3. Vehicular hijacking.

6 (a) A person commits vehicular hijacking when he or she  
7 knowingly takes a motor vehicle from the person or the  
8 immediate presence of another by the use of force or by  
9 threatening the imminent use of force.

10 ~~(b) For the purposes of this Article, the term "motor~~  
11 ~~vehicle" shall have the meaning ascribed to it in the Illinois~~  
12 ~~Vehicle Code.~~

13 ~~(c)~~ Sentence. Vehicular hijacking is a Class 1 felony.

14 (Source: P.A. 88-351; 88-670, eff. 12-2-94.)

15 (720 ILCS 5/18-4)

16 Sec. 18-4. Aggravated vehicular hijacking.

17 (a) A person commits aggravated vehicular hijacking when he  
18 or she violates Section 18-3; and

19 (1) the person from whose immediate presence the motor  
20 vehicle is taken is a physically handicapped person or a  
21 person 60 years of age or over; or

22 (2) a person under 16 years of age is a passenger in  
23 the motor vehicle at the time of the offense; or

24 (3) he or she carries on or about his or her person, or

1 is otherwise armed with a dangerous weapon, other than a  
2 firearm; or

3 (4) he or she carries on or about his or her person or  
4 is otherwise armed with a firearm; or

5 (5) he or she, during the commission of the offense,  
6 personally discharges a firearm; or

7 (6) he or she, during the commission of the offense,  
8 personally discharges a firearm that proximately causes  
9 great bodily harm, permanent disability, permanent  
10 disfigurement, or death to another person.

11 (b) Sentence. Aggravated vehicular hijacking in violation  
12 of subsections (a)(1) or (a)(2) is a Class X felony. A  
13 ~~Aggravated vehicular hijacking in violation of subsection~~  
14 (a)(3) is a Class X felony for which a term of imprisonment of  
15 not less than 7 years shall be imposed. A ~~Aggravated vehicular~~  
16 ~~hijacking in violation of subsection (a)(4) is a Class X felony~~  
17 for which 15 years shall be added to the term of imprisonment  
18 imposed by the court. A ~~Aggravated vehicular hijacking in~~  
19 violation of subsection (a)(5) is a Class X felony for which 20  
20 years shall be added to the term of imprisonment imposed by the  
21 court. A ~~Aggravated vehicular hijacking in violation of~~  
22 subsection (a)(6) is a Class X felony for which 25 years or up  
23 to a term of natural life shall be added to the term of  
24 imprisonment imposed by the court.

25 (Source: P.A. 91-404, eff. 1-1-00.)

1 (720 ILCS 5/18-6 new)

2 Sec. 18-6 ~~12-11.1~~. Vehicular invasion.

3 (a) A person commits vehicular invasion when he or she ~~who~~  
4 knowingly, by force and without lawful justification, enters or  
5 reaches into the interior of a motor vehicle ~~as defined in The~~  
6 ~~Illinois Vehicle Code~~ while the ~~such~~ motor vehicle is occupied  
7 by another person or persons, with the intent to commit therein  
8 a theft or felony.

9 (b) Sentence. Vehicular invasion is a Class 1 felony.

10 (Source: P.A. 86-1392.)

11 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

12 Sec. 19-1. Burglary.

13 (a) A person commits burglary when without authority he or  
14 she knowingly enters or without authority remains within a  
15 building, housetrailer, watercraft, aircraft, motor vehicle ~~as~~  
16 ~~defined in the Illinois Vehicle Code~~, railroad car, or any part  
17 thereof, with intent to commit therein a felony or theft. This  
18 offense shall not include the offenses set out in Section 4-102  
19 of the Illinois Vehicle Code.

20 (b) Sentence.

21 Burglary is a Class 2 felony. A burglary committed in a  
22 school, day care center, day care home, group day care home, or  
23 part day child care facility, or place of worship is a Class 1  
24 felony, except that this provision does not apply to a day care  
25 center, day care home, group day care home, or part day child

1 care facility operated in a private residence used as a  
2 dwelling.

3 (c) Regarding penalties prescribed in subsection (b) for  
4 violations committed in a day care center, day care home, group  
5 day care home, or part day child care facility, the time of  
6 day, time of year, and whether children under 18 years of age  
7 were present in the day care center, day care home, group day  
8 care home, or part day child care facility are irrelevant.

9 (Source: P.A. 96-556, eff. 1-1-10.)

10 (720 ILCS 5/19-2) (from Ch. 38, par. 19-2)

11 Sec. 19-2. Possession of burglary tools.

12 (a) A person commits ~~the offense of~~ possession of burglary  
13 tools when he or she possesses any key, tool, instrument,  
14 device, or any explosive, suitable for use in breaking into a  
15 building, housetrailer, watercraft, aircraft, motor vehicle ~~as~~  
16 ~~defined in The Illinois Vehicle Code~~, railroad car, or any  
17 depository designed for the safekeeping of property, or any  
18 part thereof, with intent to enter that ~~any such~~ place and with  
19 intent to commit therein a felony or theft. The trier of fact  
20 may infer from the possession of a key designed for lock  
21 bumping an intent to commit a felony or theft; however, this  
22 inference does not apply to any peace officer or other employee  
23 of a law enforcement agency, or to any person or agency  
24 licensed under the Private Detective, Private Alarm, Private  
25 Security, Fingerprint Vendor, and Locksmith Act of 2004. For

1 the purposes of this Section, "lock bumping" means a lock  
2 picking technique for opening a pin tumbler lock using a  
3 specially-crafted bumpkey.

4 (b) Sentence.

5 Possession of burglary tools ~~in violation of this Section~~  
6 is a Class 4 felony.

7 (Source: P.A. 95-883, eff. 1-1-09.)

8 (720 ILCS 5/19-3) (from Ch. 38, par. 19-3)

9 Sec. 19-3. Residential burglary.

10 (a) A person commits residential burglary when he or she  
11 ~~who~~ knowingly and without authority enters or knowingly and  
12 without authority remains within the dwelling place of another,  
13 or any part thereof, with the intent to commit therein a felony  
14 or theft. This offense includes the offense of burglary as  
15 defined in Section 19-1.

16 (a-5) A person commits residential burglary when he or she  
17 ~~who~~ falsely represents himself or herself, including but not  
18 limited to falsely representing himself or herself to be a  
19 representative of any unit of government or a construction,  
20 telecommunications, or utility company, for the purpose of  
21 gaining entry to the dwelling place of another, with the intent  
22 to commit therein a felony or theft or to facilitate the  
23 commission therein of a felony or theft by another.

24 (b) Sentence. Residential burglary is a Class 1 felony.

25 (Source: P.A. 96-1113, eff. 1-1-11.)

1 (720 ILCS 5/19-4) (from Ch. 38, par. 19-4)

2 Sec. 19-4. Criminal trespass to a residence.

3 (a) (1) A person commits ~~the offense of~~ criminal trespass  
4 to a residence when, without authority, he or she knowingly  
5 enters or remains within any residence, including a house  
6 trailer that is the dwelling place of another.

7 (2) A person commits ~~the offense of~~ criminal trespass to a  
8 residence when, without authority, he or she knowingly enters  
9 the residence of another and knows or has reason to know that  
10 one or more persons is present or he or she knowingly enters  
11 the residence of another and remains in the residence after he  
12 or she knows or has reason to know that one or more persons is  
13 present.

14 (3) For purposes of this Section, in the case of a  
15 multi-unit residential building or complex, "residence" shall  
16 only include the portion of the building or complex which is  
17 the actual dwelling place of any person and shall not include  
18 such places as common recreational areas or lobbies.

19 (b) Sentence.

20 (1) Criminal trespass to a residence under paragraph

21 (1) of subsection (a) is a Class A misdemeanor.

22 (2) Criminal trespass to a residence under paragraph

23 (2) of subsection (a) is a Class 4 felony.

24 (Source: P.A. 91-895, eff. 7-6-00.)

1 (720 ILCS 5/19-6 new)

2 Sec. 19-6 ~~12-11~~. Home Invasion.

3 (a) A person who is not a peace officer acting in the line  
4 of duty commits home invasion when without authority he or she  
5 knowingly enters the dwelling place of another when he or she  
6 knows or has reason to know that one or more persons is present  
7 or he or she knowingly enters the dwelling place of another and  
8 remains in the ~~such~~ dwelling place until he or she knows or has  
9 reason to know that one or more persons is present or who  
10 falsely represents himself or herself, including but not  
11 limited to, falsely representing himself or herself to be a  
12 representative of any unit of government or a construction,  
13 telecommunications, or utility company, for the purpose of  
14 gaining entry to the dwelling place of another when he or she  
15 knows or has reason to know that one or more persons are  
16 present and

17 (1) While armed with a dangerous weapon, other than a  
18 firearm, uses force or threatens the imminent use of force  
19 upon any person or persons within the ~~such~~ dwelling place  
20 whether or not injury occurs, or

21 (2) Intentionally causes any injury, except as  
22 provided in subsection (a) (5), to any person or persons  
23 within the ~~such~~ dwelling place, or

24 (3) While armed with a firearm uses force or threatens  
25 the imminent use of force upon any person or persons within  
26 the ~~such~~ dwelling place whether or not injury occurs, or

1           (4) Uses force or threatens the imminent use of force  
2           upon any person or persons within the ~~such~~ dwelling place  
3           whether or not injury occurs and during the commission of  
4           the offense personally discharges a firearm, or

5           (5) Personally discharges a firearm that proximately  
6           causes great bodily harm, permanent disability, permanent  
7           disfigurement, or death to another person within the ~~such~~  
8           dwelling place, or

9           (6) Commits, against any person or persons within that  
10          dwelling place, a violation of Section 11-1.20, 11-1.30,  
11          11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,  
12          or 12-16 of the Criminal Code of 1961.

13          (b) It is an affirmative defense to a charge of home  
14          invasion that the accused who knowingly enters the dwelling  
15          place of another and remains in the ~~such~~ dwelling place until  
16          he or she knows or has reason to know that one or more persons  
17          is present either immediately leaves the ~~such~~ premises or  
18          surrenders to the person or persons lawfully present therein  
19          without either attempting to cause or causing serious bodily  
20          injury to any person present therein.

21          (c) Sentence. Home invasion in violation of subsection  
22          (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of  
23          subsection (a) (3) is a Class X felony for which 15 years shall  
24          be added to the term of imprisonment imposed by the court. A  
25          violation of subsection (a) (4) is a Class X felony for which 20  
26          years shall be added to the term of imprisonment imposed by the

1 court. A violation of subsection (a) (5) is a Class X felony for  
2 which 25 years or up to a term of natural life shall be added to  
3 the term of imprisonment imposed by the court.

4 (d) For purposes of this Section, "dwelling place of  
5 another" includes a dwelling place where the defendant  
6 maintains a tenancy interest but from which the defendant has  
7 been barred by a divorce decree, judgment of dissolution of  
8 marriage, order of protection, or other court order.

9 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11.)

10 (720 ILCS 5/20-1) (from Ch. 38, par. 20-1)

11 Sec. 20-1. Arson; residential arson; place of worship  
12 arson.

13 (a) A person commits arson when, by means of fire or  
14 explosive, he or she knowingly:

15 (1) ~~(a)~~ Damages any real property, or any personal property  
16 having a value of \$150 or more, of another without his or her  
17 consent; or

18 (2) ~~(b)~~ With intent to defraud an insurer, damages any  
19 property or any personal property having a value of \$150 or  
20 more.

21 Property "of another" means a building or other property,  
22 whether real or personal, in which a person other than the  
23 offender has an interest which the offender has no authority to  
24 defeat or impair, even though the offender may also have an  
25 interest in the building or property.

1       (b) A person commits residential arson when he or she, in  
2 the course of committing arson, knowingly damages, partially or  
3 totally, any building or structure that is the dwelling place  
4 of another.

5       (b-5) A person commits place of worship arson when he or  
6 she, in the course of committing arson, knowingly damages,  
7 partially or totally, any place of worship.

8       (c) Sentence.

9       Arson is a Class 2 felony. Residential arson or place of  
10 worship arson is a Class 1 felony.

11       (Source: P.A. 77-2638.)

12       (720 ILCS 5/20-2) (from Ch. 38, par. 20-2)

13       Sec. 20-2. Possession of explosives or explosive or  
14 incendiary devices.

15       (a) A person commits ~~the offense of~~ possession of  
16 explosives or explosive or incendiary devices in violation of  
17 this Section when he or she possesses, manufactures or  
18 transports any explosive compound, timing or detonating device  
19 for use with any explosive compound or incendiary device and  
20 either intends to use the ~~such~~ explosive or device to commit  
21 any offense or knows that another intends to use the ~~such~~  
22 explosive or device to commit a felony.

23       (b) Sentence.

24       Possession of explosives or explosive or incendiary  
25 devices ~~in violation of this Section~~ is a Class 1 felony for

1 which a person, if sentenced to a term of imprisonment, shall  
2 be sentenced to not less than 4 years and not more than 30  
3 years.

4 (c) (Blank).

5 (Source: P.A. 93-594, eff. 1-1-04; 94-556, eff. 9-11-05.)

6 (720 ILCS 5/Art. 21, Subdiv. 1 heading new)

7 SUBDIVISION 1. DAMAGE TO PROPERTY

8 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

9 Sec. 21-1. Criminal damage to property.

10 (a) ~~(1)~~ A person commits criminal damage to property ~~an~~  
11 ~~illegal act~~ when he or she:

12 (1) ~~(a)~~ knowingly damages any property of another; ~~or~~

13 (2) ~~(b)~~ recklessly by means of fire or explosive  
14 damages property of another; ~~or~~

15 (3) ~~(c)~~ knowingly starts a fire on the land of another;  
16 ~~or~~

17 (4) ~~(d)~~ knowingly injures a domestic animal of another  
18 without his or her consent; ~~or~~

19 (5) ~~(e)~~ knowingly deposits on the land or in the  
20 building of another any stink bomb or any offensive  
21 smelling compound and thereby intends to interfere with the  
22 use by another of the land or building; ~~or~~

23 (6) knowingly ~~(f)~~ damages any property, other than as  
24 described in paragraph (2) of subsection (a) ~~(b)~~ of Section

1 20-1, with intent to defraud an insurer; ~~or~~

2 (7) ~~(g)~~ knowingly shoots a firearm at any portion of a  
3 railroad train;

4 (8) knowingly, without proper authorization, cuts,  
5 injures, damages, defaces, destroys, or tampers with any  
6 fire hydrant or any public or private fire fighting  
7 equipment, or any apparatus appertaining to fire fighting  
8 equipment; or

9 (9) intentionally, without proper authorization, opens  
10 any fire hydrant.

11 (b) When the charge of criminal damage to property  
12 exceeding a specified value is brought, the extent of the  
13 damage is an element of the offense to be resolved by the trier  
14 of fact as either exceeding or not exceeding the specified  
15 value.

16 (c) It is an affirmative defense to a violation of  
17 paragraph (1), (3), or (5) of subsection (a) ~~item (a), (c), or~~  
18 ~~(e)~~ of this Section that the owner of the property or land  
19 damaged consented to the ~~such~~ damage.

20 (d) Sentence. ~~(2)~~

21 (1) A violation of subsection (a) shall have the  
22 following penalties:

23 (A) A violation of paragraph (8) or (9) is a Class  
24 B misdemeanor.

25 (B) A violation of paragraph (1), (2), (3), (5), or  
26 (6) is a ~~The acts described in items (a), (b), (c),~~

1 ~~(e), and (f) are~~ Class A misdemeanor ~~misdemeanors~~ when  
2 ~~if~~ the damage to property does not exceed \$300.

3 (C) A violation of paragraph (1), (2), (3), (5),  
4 or (6) is a ~~The acts described in items (a), (b), (c),~~  
5 ~~(e), and (f) are~~ Class 4 felony when ~~felonies if~~ the  
6 damage to property does not exceed \$300 and if the  
7 damage occurs to property of a school or place of  
8 worship or to farm equipment or immovable items of  
9 agricultural production, including but not limited to  
10 grain elevators, grain bins, and barns.

11 (D) A violation of paragraph (4) ~~The act described~~  
12 ~~in item (d) is a~~ Class 4 felony when ~~if~~ the damage to  
13 property does not exceed \$10,000.

14 (E) A violation of paragraph (7) ~~The act described~~  
15 ~~in item (g) is a~~ Class 4 felony.

16 (F) A violation of paragraph (1), (2), (3), (5) or  
17 (6) is a ~~The acts described in items (a), (b), (c),~~  
18 ~~(e), and (f) are~~ Class 4 felony when ~~felonies if~~ the  
19 damage to property exceeds \$300 but does not exceed  
20 \$10,000.

21 (G) A violation of paragraphs (1) through (6) is a  
22 ~~The acts described in items (a) through (f) are~~ Class 3  
23 felony when ~~felonies if~~ the damage to property exceeds  
24 \$300 but does not exceed \$10,000 and if the damage  
25 occurs to property of a school or place of worship or  
26 to farm equipment or immovable items of agricultural

1 production, including but not limited to grain  
2 elevators, grain bins, and barns.

3 (H) A violation of paragraphs (1) through (6) is a  
4 ~~The acts described in items (a) through (f) are Class 3~~  
5 felony when felonies if the damage to property exceeds  
6 \$10,000 but does not exceed \$100,000.

7 (I) A violation of paragraphs (1) through (6) is a  
8 ~~The acts described in items (a) through (f) are Class 2~~  
9 felony when felonies if the damage to property exceeds  
10 \$10,000 but does not exceed \$100,000 and if the damage  
11 occurs to property of a school or place of worship or  
12 to farm equipment or immovable items of agricultural  
13 production, including but not limited to grain  
14 elevators, grain bins, and barns.

15 (J) A violation of paragraphs (1) through (6) is a  
16 ~~The acts described in items (a) through (f) are Class 2~~  
17 felony when felonies if the damage to property exceeds  
18 \$100,000. A violation of paragraphs (1) through (6) The  
19 ~~acts described in items (a) through (f) is a~~ are Class  
20 1 felony when felonies if the damage to property  
21 exceeds \$100,000 and the damage occurs to property of a  
22 school or place of worship or to farm equipment or  
23 immovable items of agricultural production, including  
24 but not limited to grain elevators, grain bins, and  
25 barns.

26 (2) When If the damage to property exceeds \$10,000, the

1 court shall impose upon the offender a fine equal to the  
2 value of the damages to the property.

3 ~~For the purposes of this subsection (2), "farm equipment"~~  
4 ~~means machinery or other equipment used in farming.~~

5 (3) In addition to any other sentence that may be  
6 imposed, a court shall order any person convicted of  
7 criminal damage to property to perform community service  
8 for not less than 30 and not more than 120 hours, if  
9 community service is available in the jurisdiction and is  
10 funded and approved by the county board of the county where  
11 the offense was committed. In addition, whenever any person  
12 is placed on supervision for an alleged offense under this  
13 Section, the supervision shall be conditioned upon the  
14 performance of the community service.

15 The community service requirement ~~This subsection~~ does  
16 not apply when the court imposes a sentence of  
17 incarceration.

18 (4) In addition to any criminal penalties imposed for a  
19 violation of this Section, if a person is convicted of or  
20 placed on supervision for knowingly damaging or destroying  
21 crops of another, including crops intended for personal,  
22 commercial, research, or developmental purposes, the  
23 person is liable in a civil action to the owner of any  
24 crops damaged or destroyed for money damages up to twice  
25 the market value of the crops damaged or destroyed.

26 (5) For the purposes of this subsection (d), "farm

1 equipment" means machinery or other equipment used in  
2 farming.

3 (Source: P.A. 95-553, eff. 6-1-08; 96-529, eff. 8-14-09.)

4 (720 ILCS 5/21-1.01 new)

5 Sec. 21-1.01 ~~21-4~~. Criminal Damage to Government Supported  
6 Property.

7 (a) (1) A person commits criminal damage to government  
8 supported property when he or she knowingly ~~Any of the~~  
9 ~~following acts is a Class 4 felony when the damage to property~~  
10 ~~is \$500 or less, and any such act is a Class 3 felony when the~~  
11 ~~damage to property exceeds \$500 but does not exceed \$10,000; a~~  
12 ~~Class 2 felony when the damage to property exceeds \$10,000 but~~  
13 ~~does not exceed \$100,000 and a Class 1 felony when the damage~~  
14 ~~to property exceeds \$100,000:~~

15 (1) (a) Knowingly damages any government supported  
16 property supported in whole or in part with State funds,  
17 funds of a unit of local government or school district, or  
18 Federal funds administered or granted through State  
19 agencies without the consent of the State; or

20 (2) (b) Knowingly, by means of fire or explosive  
21 damages government supported property ~~supported in whole~~  
22 ~~or in part with State funds, funds of a unit of local~~  
23 ~~government or school district, or Federal funds~~  
24 ~~administered or granted through State agencies; or~~

25 (3) (c) Knowingly starts a fire on government supported

1 property ~~supported in whole or in part with State funds,~~  
2 ~~funds of a unit of local government or school district, or~~  
3 ~~Federal funds administered or granted through State~~  
4 ~~agencies~~ without the consent of the State; or

5 (4) (d) Knowingly deposits on government supported  
6 land or in a government supported building, ~~supported in~~  
7 ~~whole or in part with State funds, funds of a unit of local~~  
8 ~~government or school district, or Federal funds~~  
9 ~~administered or granted through State agencies~~ without the  
10 consent of the State, any stink bomb or any offensive  
11 smelling compound and thereby intends to interfere with the  
12 use by another of the land or building.

13 (b) (2) For the purposes of this Section, "government  
14 supported" means any property supported in whole or in part  
15 with State funds, funds of a unit of local government or school  
16 district, or federal funds administered or granted through  
17 State agencies.

18 (c) Sentence. A violation of this Section is a Class 4  
19 felony when the damage to property is \$500 or less; a Class 3  
20 felony when the damage to property exceeds \$500 but does not  
21 exceed \$10,000; a Class 2 felony when the damage to property  
22 exceeds \$10,000 but does not exceed \$100,000; and a Class 1  
23 felony when the damage to property exceeds \$100,000. When the  
24 damage to property exceeds \$10,000, the court shall impose upon  
25 the offender a fine equal to the value of the damages to the  
26 property.

1

2 (Source: P.A. 89-30, eff. 1-1-96.)

3 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

4 Sec. 21-1.2. Institutional vandalism.

5 (a) A person commits institutional vandalism when, by  
6 reason of the actual or perceived race, color, creed, religion  
7 or national origin of another individual or group of  
8 individuals, regardless of the existence of any other  
9 motivating factor or factors, he or she knowingly and without  
10 consent inflicts damage to any of the following properties:

11 (1) A church, synagogue, mosque, or other building,  
12 structure or place used for religious worship or other  
13 religious purpose;

14 (2) A cemetery, mortuary, or other facility used for  
15 the purpose of burial or memorializing the dead;

16 (3) A school, educational facility or community  
17 center;

18 (4) The grounds adjacent to, and owned or rented by,  
19 any institution, facility, building, structure or place  
20 described in paragraphs (1), (2) or (3) of this subsection  
21 (a); or

22 (5) Any personal property contained in any  
23 institution, facility, building, structure or place  
24 described in paragraphs (1), (2) or (3) of this subsection  
25 (a).

1 (b) Sentence.

2 (1) Institutional vandalism is a Class 3 felony when  
3 ~~if~~ the damage to the property does not exceed \$300.  
4 Institutional vandalism is a Class 2 felony when ~~if~~ the  
5 damage to the property exceeds \$300. Institutional  
6 vandalism is a Class 2 felony for any second or subsequent  
7 offense.

8 (2) ~~(b-5)~~ Upon imposition of any sentence, the trial  
9 court shall also either order restitution paid to the  
10 victim or impose a fine up to \$1,000. In addition, any  
11 order of probation or conditional discharge entered  
12 following a conviction or an adjudication of delinquency  
13 shall include a condition that the offender perform public  
14 or community service of no less than 200 hours if that  
15 service is established in the county where the offender was  
16 convicted of institutional vandalism. The court may also  
17 impose any other condition of probation or conditional  
18 discharge under this Section.

19 (c) Independent of any criminal prosecution or the result  
20 of that prosecution, a person suffering damage to property or  
21 injury to his or her person as a result of institutional  
22 vandalism may bring a civil action for damages, injunction or  
23 other appropriate relief. The court may award actual damages,  
24 including damages for emotional distress, or punitive damages.  
25 A judgment may include attorney's fees and costs. The parents  
26 or legal guardians of an unemancipated minor, other than

1 guardians appointed under the Juvenile Court Act or the  
2 Juvenile Court Act of 1987, shall be liable for the amount of  
3 any judgment for actual damages rendered against the minor  
4 under this subsection in an amount not exceeding the amount  
5 provided under Section 5 of the Parental Responsibility Law.

6 (Source: P.A. 92-830, eff. 1-1-03.)

7 (720 ILCS 5/21-1.3)

8 Sec. 21-1.3. Criminal defacement of property.

9 (a) A person commits criminal defacement of property when  
10 the person knowingly damages the property of another by  
11 defacing, deforming, or otherwise damaging the property by the  
12 use of paint or any other similar substance, or by the use of a  
13 writing instrument, etching tool, or any other similar device.  
14 It is an affirmative defense to a violation of this Section  
15 that the owner of the property damaged consented to such  
16 damage.

17 (b) Sentence.

18 (1) Criminal defacement of property is a Class A  
19 misdemeanor for a first offense when ~~if~~ the aggregate value of  
20 the damage to the property does not exceed \$300. Criminal  
21 defacement of property is a Class 4 felony when ~~if~~ the  
22 aggregate value of the damage to property does not exceed \$300  
23 and the property damaged is a school building or place of  
24 worship. Criminal defacement of property is a Class 4 felony  
25 for a second or subsequent conviction or when ~~if~~ the aggregate

1 value of the damage to the property exceeds \$300. Criminal  
2 defacement of property is a Class 3 felony when ~~if~~ the  
3 aggregate value of the damage to property exceeds \$300 and the  
4 property damaged is a school building or place of worship.

5 (2) In addition to any other sentence that may be imposed  
6 for a violation of this Section that is chargeable as a Class 3  
7 or Class 4 felony, a person convicted of criminal defacement of  
8 property shall be subject to a mandatory minimum fine of \$500  
9 plus the actual costs incurred by the property owner or the  
10 unit of government to abate, remediate, repair, or remove the  
11 effect of the damage to the property. To the extent permitted  
12 by law, reimbursement for the costs of abatement, remediation,  
13 repair, or removal shall be payable to the person who incurred  
14 the costs.

15 (3) In addition to any other sentence that may be imposed,  
16 a court shall order any person convicted of criminal defacement  
17 of property to perform community service for not less than 30  
18 and not more than 120 hours, if community service is available  
19 in the jurisdiction. The community service shall include, but  
20 need not be limited to, the cleanup and repair of the damage to  
21 property that was caused by the offense, or similar damage to  
22 property located in the municipality or county in which the  
23 offense occurred. When ~~if~~ the property damaged is a school  
24 building, the community service may include cleanup, removal,  
25 or painting over the defacement. In addition, whenever any  
26 person is placed on supervision for an alleged offense under

1 this Section, the supervision shall be conditioned upon the  
2 performance of the community service.

3 (4) For the purposes of this subsection (b), aggregate  
4 value shall be determined by adding the value of the damage to  
5 one or more properties if the offenses were committed as part  
6 of a single course of conduct.

7 (Source: P.A. 95-553, eff. 6-1-08; 96-499, eff. 8-14-09.)

8 (720 ILCS 5/21-1.4)

9 Sec. 21-1.4. Jackrocks violation.

10 (a) A person commits a jackrocks violation when he or she  
11 ~~who~~ knowingly:

12 (1) sells, gives away, manufactures, purchases, or  
13 possesses a jackrock; or

14 (2) ~~who knowingly~~ places, tosses, or throws a jackrock  
15 on public or private property ~~commits a Class A misdemeanor~~.

16 (b) As used in this Section, "jackrock" means a caltrop or  
17 other object manufactured with one or more rounded or sharpened  
18 points, which when placed or thrown present at least one point  
19 at such an angle that it is peculiar to and designed for use in  
20 puncturing or damaging vehicle tires. It does not include a  
21 device designed to puncture or damage the tires of a vehicle  
22 driven over it in a particular direction, if a conspicuous and  
23 clearly visible warning is posted at the device's location,  
24 alerting persons to its presence.

25 (c) This Section does not apply to the possession,

1 transfer, or use of jackrocks by any law enforcement officer in  
2 the course of his or her official duties.

3 (d) Sentence. A jackrocks violation is a Class A  
4 misdemeanor.

5 (Source: P.A. 89-130, eff. 7-14-95.)

6 (720 ILCS 5/Art. 21, Subdiv. 5 heading new)

7 SUBDIVISION 5. TRESPASS

8 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

9 Sec. 21-2. Criminal trespass to vehicles.

10 (a) A person commits criminal trespass to vehicles when he  
11 or she ~~Whoever~~ knowingly and without authority enters any part  
12 of or operates any vehicle, aircraft, watercraft or snowmobile  
13 ~~commits a Class A misdemeanor.~~

14 (b) Sentence. Criminal trespass to vehicles is a Class A  
15 misdemeanor.

16 (Source: P.A. 83-488.)

17 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

18 Sec. 21-3. Criminal trespass to real property.

19 (a) A person commits criminal trespass to real property  
20 when he or she ~~Except as provided in subsection (a-5), whoever:~~

21 (1) knowingly and without lawful authority enters or  
22 remains within or on a building; ~~or~~

23 (2) enters upon the land of another, after receiving,

1 prior to the ~~such~~ entry, notice from the owner or occupant  
2 that the ~~such~~ entry is forbidden; ~~or~~

3 (3) remains upon the land of another, after receiving  
4 notice from the owner or occupant to depart; ~~or~~

5 (3.5) presents false documents or falsely represents  
6 his or her identity orally to the owner or occupant of a  
7 building or land in order to obtain permission from the  
8 owner or occupant to enter or remain in the building or on  
9 the land; or

10 (4) enters a field used or capable of being used for  
11 growing crops, an enclosed area containing livestock, an  
12 agricultural building containing livestock, or an orchard  
13 in or on a motor vehicle (including an off-road vehicle,  
14 motorcycle, moped, or any other powered two-wheel vehicle)  
15 after receiving, prior to the entry, notice from the owner  
16 or occupant that the entry is forbidden or remains upon or  
17 in the area after receiving notice from the owner or  
18 occupant to depart ~~commits a Class B misdemeanor.~~

19 For purposes of item (1) of this subsection, this Section  
20 shall not apply to being in a building which is open to the  
21 public while the building is open to the public during its  
22 normal hours of operation; nor shall this Section apply to a  
23 person who enters a public building under the reasonable belief  
24 that the building is still open to the public.

25 ~~(a 5) Except as otherwise provided in this subsection,~~  
26 ~~whoever enters upon any of the following areas in or on a motor~~

1 ~~vehicle (including an off road vehicle, motorcycle, moped, or~~  
2 ~~any other powered two wheel vehicle) after receiving, prior to~~  
3 ~~that entry, notice from the owner or occupant that the entry is~~  
4 ~~forbidden or remains upon or in the area after receiving notice~~  
5 ~~from the owner or occupant to depart commits a Class A~~  
6 ~~misdemeanor:~~

7 ~~(1) A field that is used for growing crops or that is~~  
8 ~~capable of being used for growing crops.~~

9 ~~(2) An enclosed area containing livestock.~~

10 ~~(3) An orchard.~~

11 ~~(4) A barn or other agricultural building containing~~  
12 ~~livestock.~~

13 (b) A person has received notice from the owner or occupant  
14 within the meaning of Subsection (a) if he or she has been  
15 notified personally, either orally or in writing including a  
16 valid court order as defined by subsection (7) of Section  
17 112A-3 of the Code of Criminal Procedure of 1963 granting  
18 remedy (2) of subsection (b) of Section 112A-14 of that Code,  
19 or if a printed or written notice forbidding such entry has  
20 been conspicuously posted or exhibited at the main entrance to  
21 the ~~such~~ land or the forbidden part thereof.

22 (b-5) Subject to the provisions of subsection (b-10), as an  
23 alternative to the posting of real property as set forth in  
24 subsection (b), the owner or lessee of any real property may  
25 post the property by placing identifying purple marks on trees  
26 or posts around the area to be posted. Each purple mark shall

1 be:

2 (1) A vertical line of at least 8 inches in length and  
3 the bottom of the mark shall be no less than 3 feet nor  
4 more than 5 feet high. Such marks shall be placed no more  
5 than 100 feet apart and shall be readily visible to any  
6 person approaching the property; or

7 (2) A post capped or otherwise marked on at least its  
8 top 2 inches. The bottom of the cap or mark shall be not  
9 less than 3 feet but not more than 5 feet 6 inches high.  
10 Posts so marked shall be placed not more than 36 feet apart  
11 and shall be readily visible to any person approaching the  
12 property. Prior to applying a cap or mark which is visible  
13 from both sides of a fence shared by different property  
14 owners or lessees, all such owners or lessees shall concur  
15 in the decision to post their own property.

16 Nothing in this subsection (b-5) shall be construed to  
17 authorize the owner or lessee of any real property to place any  
18 purple marks on any tree or post or to install any post or  
19 fence if doing so would violate any applicable law, rule,  
20 ordinance, order, covenant, bylaw, declaration, regulation,  
21 restriction, contract, or instrument.

22 (b-10) Any owner or lessee who marks his or her real  
23 property using the method described in subsection (b-5) must  
24 also provide notice as described in subsection (b) of this  
25 Section. The public of this State shall be informed of the  
26 provisions of subsection (b-5) of this Section by the Illinois

1 Department of Agriculture and the Illinois Department of  
2 Natural Resources. These Departments shall conduct an  
3 information campaign for the general public concerning the  
4 interpretation and implementation of subsection (b-5). The  
5 information shall inform the public about the marking  
6 requirements and the applicability of subsection (b-5)  
7 including information regarding the size requirements of the  
8 markings as well as the manner in which the markings shall be  
9 displayed. The Departments shall also include information  
10 regarding the requirement that, until the date this subsection  
11 becomes inoperative, any owner or lessee who chooses to mark  
12 his or her property using paint, must also comply with one of  
13 the notice requirements listed in subsection (b). The  
14 Departments may prepare a brochure or may disseminate the  
15 information through agency websites. Non-governmental  
16 organizations including, but not limited to, the Illinois  
17 Forestry Association, Illinois Tree Farm and the Walnut Council  
18 may help to disseminate the information regarding the  
19 requirements and applicability of subsection (b-5) based on  
20 materials provided by the Departments. This subsection (b-10)  
21 is inoperative on and after January 1, 2013.

22 (b-15) Subsections (b-5) and (b-10) do not apply to real  
23 property located in a municipality of over 2,000,000  
24 inhabitants.

25 (c) This Section does not apply to any person, whether a  
26 migrant worker or otherwise, living on the land with permission

1 of the owner or of his or her agent having apparent authority  
2 to hire workers on this ~~such~~ land and assign them living  
3 quarters or a place of accommodations for living thereon, nor  
4 to anyone living on the ~~such~~ land at the request of, or by  
5 occupancy, leasing or other agreement or arrangement with the  
6 owner or his or her agent, nor to anyone invited by the ~~such~~  
7 migrant worker or other person so living on the ~~such~~ land to  
8 visit him or her at the place he is so living upon the land.

9 (d) A person shall be exempt from prosecution under this  
10 Section if he or she beautifies unoccupied and abandoned  
11 residential and industrial properties located within any  
12 municipality. For the purpose of this subsection, "unoccupied  
13 and abandoned residential and industrial property" means any  
14 real estate (1) in which the taxes have not been paid for a  
15 period of at least 2 years; and (2) which has been left  
16 unoccupied and abandoned for a period of at least one year; and  
17 "beautifies" means to landscape, clean up litter, or to repair  
18 dilapidated conditions on or to board up windows and doors.

19 (e) No person shall be liable in any civil action for money  
20 damages to the owner of unoccupied and abandoned residential  
21 and industrial property which that person beautifies pursuant  
22 to subsection (d) of this Section.

23 (f) This Section does not prohibit a person from entering a  
24 building or upon the land of another for emergency purposes.  
25 For purposes of this subsection (f), "emergency" means a  
26 condition or circumstance in which an individual is or is

1 reasonably believed by the person to be in imminent danger of  
2 serious bodily harm or in which property is or is reasonably  
3 believed to be in imminent danger of damage or destruction.

4 (g) Paragraph (3.5) of subsection (a) does not apply to a  
5 peace officer or other official of a unit of government who  
6 enters a building or land in the performance of his or her  
7 official duties.

8 (h) Sentence. A violation of subdivision (a) (1), (a) (2),  
9 (a) (3), or (a) (3.5) is a Class B misdemeanor. A violation of  
10 subdivision (a) (4) is a Class A misdemeanor.

11 (i) Civil liability. A person may be liable in any civil  
12 action for money damages to the owner of the land he or she  
13 entered upon with a motor vehicle as prohibited under paragraph  
14 (4) of subsection (a) ~~(a-5)~~ of this Section. A person may also  
15 be liable to the owner for court costs and reasonable  
16 attorney's fees. The measure of damages shall be: (i) the  
17 actual damages, but not less than \$250, if the vehicle is  
18 operated in a nature preserve or registered area as defined in  
19 Sections 3.11 and 3.14 of the Illinois Natural Areas  
20 Preservation Act; (ii) twice the actual damages if the owner  
21 has previously notified the person to cease trespassing; or  
22 (iii) in any other case, the actual damages, but not less than  
23 \$50. If the person operating the vehicle is under the age of  
24 16, the owner of the vehicle and the parent or legal guardian  
25 of the minor are jointly and severally liable. For the purposes  
26 of this subsection (i) ~~(h)~~:

1 "Land" includes, but is not limited to, land used for  
2 crop land, fallow land, orchard, pasture, feed lot, timber  
3 land, prairie land, mine spoil nature preserves and  
4 registered areas. "Land" does not include driveways or  
5 private roadways upon which the owner allows the public to  
6 drive.

7 "Owner" means the person who has the right to  
8 possession of the land, including the owner, operator or  
9 tenant.

10 "Vehicle" has the same meaning as provided under  
11 Section 1-217 of the Illinois Vehicle Code.

12 (j)~~(i)~~ This Section does not apply to the following persons  
13 while serving process:

14 (1) a person authorized to serve process under Section  
15 2-202 of the Code of Civil Procedure; or

16 (2) a special process server appointed by the circuit  
17 court.

18 (Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11;  
19 revised 9-14-11.)

20 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

21 Sec. 21-5. Criminal Trespass to State Supported Land.

22 (a) A person commits criminal trespass to State supported  
23 land when he or she ~~Whoever~~ enters upon land supported in whole  
24 or in part with State funds, or federal ~~Federal~~ funds  
25 administered or granted through State agencies or any building

1 on the such land, after receiving, prior to the such entry,  
2 notice from the State or its representative that the such entry  
3 is forbidden, or remains upon the such land or in the such  
4 building after receiving notice from the State or its  
5 representative to depart, and who thereby interferes with  
6 another person's lawful use or enjoyment of the such building  
7 or land, ~~commits a Class A misdemeanor.~~

8 ~~(b)~~ A person has received notice from the State within the  
9 meaning of this subsection ~~(a)~~ if he or she has been notified  
10 personally, either orally or in writing, or if a printed or  
11 written notice forbidding such entry to him or her or a group  
12 of which he or she is a part, has been conspicuously posted or  
13 exhibited at the main entrance to the such land or the  
14 forbidden part thereof.

15 (b) ~~(c)~~ A person commits criminal trespass to State  
16 supported land when he or she ~~whoever~~ enters upon land  
17 supported in whole or in part with State funds, or federal  
18 funds administered or granted through State agencies or any  
19 building on the such land by presenting false documents or  
20 falsely representing his or her identity orally to the State or  
21 its representative in order to obtain permission from the State  
22 or its representative to enter the building or land; or remains  
23 upon the such land or in the such building by presenting false  
24 documents or falsely representing his or her identity orally to  
25 the State or its representative in order to remain upon the  
26 such land or in the such building, and who thereby interferes

1 with another person's lawful use or enjoyment of the ~~such~~  
2 building or land, ~~commits a Class A misdemeanor.~~

3 This subsection ~~Subsection (c)~~ does not apply to a peace  
4 officer or other official of a unit of government who enters  
5 upon land supported in whole or in part with State funds, or  
6 federal funds administered or granted through State agencies or  
7 any building on the ~~such~~ land in the performance of his or her  
8 official duties.

9 (c) Sentence. Criminal trespass to State supported land is  
10 a Class A misdemeanor.

11 (Source: P.A. 94-263, eff. 1-1-06.)

12 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

13 Sec. 21-7. Criminal trespass to restricted areas and  
14 restricted landing areas at airports; aggravated criminal  
15 trespass to restricted areas and restricted landing areas at  
16 airports.

17 (a) A person commits criminal trespass to restricted areas  
18 and restricted landing areas at airports when he or she enters  
19 upon, or remains in, any:

20 (1) Whoever enters upon, or remains in, any restricted  
21 area or restricted landing area used in connection with an  
22 airport facility, or part thereof, in this State, after the  
23 ~~such~~ person has received notice from the airport authority  
24 that the ~~such~~ entry is forbidden; ~~commits a Class 4 felony~~

25 (2) restricted area or restricted landing area used in

1 connection with an airport facility, or part thereof, in  
2 this State by presenting false documents or falsely  
3 representing his or her identity orally to the airport  
4 authority;

5 (3) restricted area or restricted landing area as  
6 prohibited in paragraph (1) of this subsection, while  
7 dressed in the uniform of, improperly wearing the  
8 identification of, presenting false credentials of, or  
9 otherwise physically impersonating an airman, employee of  
10 an airline, employee of an airport, or contractor at an  
11 airport.

12 (b) A person commits aggravated criminal trespass to  
13 restricted areas and restricted landing areas at airports when  
14 he or she ~~whoever~~ enters upon, or remains in, any restricted  
15 area or restricted landing area used in connection with an  
16 airport facility, or part thereof, in this State, while in  
17 possession of a weapon, replica of a weapon, or ammunition,  
18 after the person has received notice from the airport authority  
19 that the entry is forbidden ~~commits a Class 3 felony.~~

20 (c) Notice that the area is "restricted" and entry thereto  
21 "forbidden", for purposes of this Section, means that the  
22 person or persons have been notified personally, either orally  
23 or in writing, or by a printed or written notice forbidding the  
24 such entry to him or her or a group or an organization of which  
25 he or she is a member, which has been conspicuously posted or  
26 exhibited at every usable entrance to the such area or the

1 forbidden part thereof.

2 (d) (Blank). ~~Whoever enters upon, or remains in, any~~  
3 ~~restricted area or restricted landing area used in connection~~  
4 ~~with an airport facility, or part thereof, in this State by~~  
5 ~~presenting false documents or falsely representing his or her~~  
6 ~~identity orally to the airport authority commits a Class A~~  
7 ~~misdemeanor.~~

8 (e) (Blank). ~~Whoever enters upon, or remains in, any~~  
9 ~~restricted area or restricted landing area as prohibited in~~  
10 ~~subsection (a) of this Section, while dressed in the uniform~~  
11 ~~of, improperly wearing the identification of, presenting false~~  
12 ~~credentials of, or otherwise physically impersonating an~~  
13 ~~airman, employee of an airline, employee of an airport, or~~  
14 ~~contractor at an airport commits a Class 4 felony.~~

15 (f) The terms "Restricted area" or "Restricted landing  
16 area" in this Section are defined to incorporate the meaning  
17 ascribed to those terms in Section 8 of the "Illinois  
18 Aeronautics Act", approved July 24, 1945, as amended, and also  
19 include any other area of the airport that has been designated  
20 such by the airport authority.

21 The terms "airman" and "airport" in this Section are  
22 defined to incorporate the meaning ascribed to those terms in  
23 Sections 6 and 12 of the Illinois Aeronautics Act.

24 (g) Paragraph (2) of subsection (a) ~~Subsection (d)~~ does not  
25 apply to a peace officer or other official of a unit of  
26 government who enters a restricted area or a restricted landing

1 area used in connection with an airport facility, or part  
2 thereof, in the performance of his or her official duties.

3 (h) Sentence.

4 (1) A violation of paragraph (2) of subsection (a) is a  
5 Class A misdemeanor.

6 (2) A violation of paragraph (1) or (3) of subsection (a)  
7 is a Class 4 felony.

8 (3) A violation of subsection (b) is a Class 3 felony.

9 (Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548,  
10 eff. 8-11-05; 95-331, eff. 8-21-07.)

11 (720 ILCS 5/21-8)

12 Sec. 21-8. Criminal trespass to a nuclear facility.

13 (a) A person commits ~~the offense of~~ criminal trespass to a  
14 nuclear facility when ~~if~~ he or she knowingly and without lawful  
15 authority:

16 (1) enters or remains within a nuclear facility or on  
17 the grounds of a nuclear facility, after receiving notice  
18 before entry that entry to the nuclear facility is  
19 forbidden; ~~or~~

20 (2) remains within the facility or on the grounds of  
21 the facility after receiving notice from the owner or  
22 manager of the facility or other person authorized by the  
23 owner or manager of the facility to give that notice to  
24 depart from the facility or grounds of the facility; or

25 (3) enters or remains within a nuclear facility or on

1 the grounds of a nuclear facility, by presenting false  
2 documents or falsely representing his or her identity  
3 orally to the owner or manager of the facility. This  
4 paragraph (3) does not apply to a peace officer or other  
5 official of a unit of government who enters or remains in  
6 the facility in the performance of his or her official  
7 duties.

8 (b) A person has received notice from the owner or manager  
9 of the facility or other person authorized by the owner or  
10 manager of the facility within the meaning of paragraphs (1)  
11 and (2) of subsection (a) if he or she has been notified  
12 personally, either orally or in writing, or if a printed or  
13 written notice forbidding the entry has been conspicuously  
14 posted or exhibited at the main entrance to the facility or  
15 grounds of the facility or the forbidden part of the facility.

16 (c) In this Section, "nuclear facility" has the meaning  
17 ascribed to it in Section 3 of the Illinois Nuclear Safety  
18 Preparedness Act.

19 (d) Sentence. Criminal trespass to a nuclear facility is a  
20 Class 4 felony.

21 (Source: P.A. 94-263, eff. 1-1-06.)

22 (720 ILCS 5/21-9)

23 Sec. 21-9. Criminal trespass to a place of public  
24 amusement.

25 (a) A person commits ~~the offense of~~ criminal trespass to a

1 place of public amusement when ~~if~~ he or she knowingly and  
2 without lawful authority enters or remains on any portion of a  
3 place of public amusement after having received notice that the  
4 general public is restricted from access to that portion of the  
5 place of public amusement. These ~~Such~~ areas may include, but  
6 are not limited to: a playing field, an athletic surface, a  
7 stage, a locker room, or a dressing room located at the place  
8 of public amusement.

9 (a-5) A person commits the offense of criminal trespass to  
10 a place of public amusement when ~~if~~ he or she knowingly and  
11 without lawful authority gains access to or remains on any  
12 portion of a place of public amusement by presenting false  
13 documents or falsely representing his or her identity orally to  
14 the property owner, a lessee, an agent of either the owner or  
15 lessee, or a performer or participant. This subsection (a-5)  
16 does not apply to a peace officer or other official of a unit  
17 of government who enters or remains in the place of public  
18 amusement in the performance of his or her official duties.

19 (b) A property owner, a lessee, an agent of either the  
20 owner or lessee, or a performer or participant may use  
21 reasonable force to restrain a trespasser and remove him or her  
22 from the restricted area; however, any use of force beyond  
23 reasonable force may subject that person to any applicable  
24 criminal penalty.

25 (c) A person has received notice within the meaning of  
26 subsection (a) if he or she has been notified personally,

1 either orally or in writing, or if a printed or written notice  
2 forbidding such entry has been conspicuously posted or  
3 exhibited at the entrance to the portion of the place of public  
4 amusement that is restricted or an oral warning has been  
5 broadcast over the public address system of the place of public  
6 amusement.

7 (d) In this Section, "place of public amusement" means a  
8 stadium, a theater, or any other facility of any kind, whether  
9 licensed or not, where a live performance, a sporting event, or  
10 any other activity takes place for other entertainment and  
11 where access to the facility is made available to the public,  
12 regardless of whether admission is charged.

13 (e) Sentence. Criminal trespass to a place of public  
14 amusement is a Class 4 felony. Upon imposition of any sentence,  
15 the court shall also impose a fine of not less than \$1,000. In  
16 addition, any order of probation or conditional discharge  
17 entered following a conviction shall include a condition that  
18 the offender perform public or community service of not less  
19 than 30 and not more than 120 hours, if community service is  
20 available in the jurisdiction and is funded and approved by the  
21 county board of the county where the offender was convicted.  
22 The court may also impose any other condition of probation or  
23 conditional discharge under this Section.

24 (Source: P.A. 93-407, eff. 1-1-04; 94-263, eff. 1-1-06.)

1                   SUBDIVISION 10. MISCELLANEOUS OFFENSES

2           (720 ILCS 5/21-10)

3           Sec. 21-10. Criminal use of a motion picture exhibition  
4 facility.

5           (a) A person commits criminal use of a motion picture  
6 exhibition facility, when he or she, Any person, where a motion  
7 picture is being exhibited, ~~who~~ knowingly operates an  
8 audiovisual recording function of a device without the consent  
9 of the owner or lessee of that exhibition facility and of the  
10 licensor of the motion picture being exhibited ~~is guilty of~~  
11 ~~criminal use of a motion picture exhibition facility.~~

12           (b) Sentence. Criminal use of a motion picture exhibition  
13 facility is a Class 4 felony.

14           (c) The owner or lessee of a facility where a motion  
15 picture is being exhibited, the authorized agent or employee of  
16 that owner or lessee, or the licensor of the motion picture  
17 being exhibited or his or her agent or employee, who alerts law  
18 enforcement authorities of an alleged violation of this Section  
19 is not liable in any civil action arising out of measures taken  
20 by that owner, lessee, licensor, agent, or employee in the  
21 course of subsequently detaining a person that the owner,  
22 lessee, licensor, agent, or employee, in good faith believed to  
23 have violated this Section while awaiting the arrival of law  
24 enforcement authorities, unless the plaintiff in such an action  
25 shows by clear and convincing evidence that such measures were

1 manifestly unreasonable or the period of detention was  
2 unreasonably long.

3 (d) This Section does not prevent any lawfully authorized  
4 investigative, law enforcement, protective, or intelligence  
5 gathering employee or agent of the State or federal government  
6 from operating any audiovisual recording device in any facility  
7 where a motion picture is being exhibited as part of lawfully  
8 authorized investigative, protective, law enforcement, or  
9 intelligence gathering activities.

10 (e) This Section does not apply to a person who operates an  
11 audiovisual recording function of a device in a retail  
12 establishment solely to demonstrate the use of that device for  
13 sales and display purposes.

14 (f) Nothing in this Section prevents the prosecution for  
15 conduct that constitutes a violation of this Section under any  
16 other provision of law providing for a greater penalty.

17 (g) In this Section, "audiovisual recording function"  
18 means the capability of a device to record or transmit a motion  
19 picture or any part of a motion picture by means of any  
20 technology now known or later developed and "facility" does not  
21 include a personal residence.

22 (Source: P.A. 93-804, eff. 7-24-04.)

23 (720 ILCS 5/21-11 new)

24 Sec. 21-11. Distributing or delivering written or printed  
25 solicitation on school property.

1       (a) Distributing or delivering written or printed  
2 solicitation on school property or within 1,000 feet of school  
3 property, for the purpose of inviting students to any event  
4 when a significant purpose of the event is to commit illegal  
5 acts or to solicit attendees to commit illegal acts, or to be  
6 held in or around abandoned buildings, is prohibited.

7       (b) For the purposes of this Section, "school property" is  
8 defined as the buildings or grounds of any public or private  
9 elementary or secondary school.

10       (c) Sentence. A violation of this Section is a Class C  
11 misdemeanor.

12           (720 ILCS 5/21.1-2) (from Ch. 38, par. 21.1-2)

13       Sec. 21.1-2. Residential picketing. A person commits  
14 residential picketing when he or she pickets ~~It is unlawful to~~  
15 ~~picket~~ before or about the residence or dwelling of any person,  
16 except when the residence or dwelling is used as a place of  
17 business. ~~This However, this~~ Article does not apply to a person  
18 peacefully picketing his own residence or dwelling and does not  
19 prohibit the peaceful picketing of the place of holding a  
20 meeting or assembly on premises commonly used to discuss  
21 subjects of general public interest.

22       (Source: P.A. 81-1270.)

23           (720 ILCS 5/21.2-2) (from Ch. 38, par. 21.2-2)

24       Sec. 21.2-2. Interference with a public institution of

1 education. A person commits interference with a public  
2 institution of education when he or she, on the campus of a  
3 public institution of education, or at or in any building or  
4 other facility owned, operated or controlled by the  
5 institution, without authority from the institution he or she,  
6 through force or violence, actual or threatened:

7 (1) knowingly ~~(a) willfully~~ denies to a trustee, school  
8 board member, superintendent, principal, employee, student or  
9 invitee of the institution:

10 (A) ~~(1)~~ Freedom of movement at that ~~such~~ place; or

11 (B) ~~(2)~~ Use of the property or facilities of the  
12 institution; or

13 (C) ~~(3)~~ The right of ingress or egress to the property  
14 or facilities of the institution; or

15 (2) knowingly ~~(b) willfully~~ impedes, obstructs, interferes  
16 with or disrupts:

17 (A) ~~(1)~~ the performance of institutional duties by a  
18 trustee, school board member, superintendent, principal,  
19 or employee of the institution; or

20 (B) ~~(2)~~ the pursuit of educational activities, as  
21 determined or prescribed by the institution, by a trustee,  
22 school board member, superintendent, principal, employee,  
23 student or invitee of the institution; or

24 (3) ~~(e)~~ knowingly occupies or remains in or at any  
25 building, property or other facility owned, operated or  
26 controlled by the institution after due notice to depart.

1 (Source: P.A. 96-807, eff. 1-1-10.)

2 (720 ILCS 5/Art. 24.8 heading new)

3 ARTICLE 24.8. AIR RIFLES

4 (720 ILCS 5/24.8-0.1 new)

5 Sec. 24.8-0.1. Definitions. As used in this Article:

6 "Air rifle" means and includes any air gun, air pistol,  
7 spring gun, spring pistol, B-B gun, paint ball gun, pellet gun  
8 or any implement that is not a firearm which impels a breakable  
9 paint ball containing washable marking colors or, a pellet  
10 constructed of hard plastic, steel, lead or other hard  
11 materials with a force that reasonably is expected to cause  
12 bodily harm.

13 "Dealer" means any person, copartnership, association or  
14 corporation engaged in the business of selling at retail or  
15 renting any of the articles included in the definition of "air  
16 rifle".

17 "Municipalities" include cities, villages, incorporated  
18 towns and townships.

19 (720 ILCS 5/24.8-1 new)

20 Sec. 24.8-1. Selling, renting, or transferring air rifles  
21 to children.

22 (a) A dealer commits selling, renting, or transferring air  
23 rifles to children when he or she sells, lends, rents, gives or

1 otherwise transfers an air rifle to any person under the age of  
2 13 years where the dealer knows or has cause to believe the  
3 person to be under 13 years of age or where the dealer has  
4 failed to make reasonable inquiry relative to the age of the  
5 person and the person is under 13 years of age.

6 (b) A person commits selling, renting, or transferring air  
7 rifles to children when he or she sells, gives, lends, or  
8 otherwise transfers any air rifle to any person under 13 years  
9 of age except where the relationship of parent and child,  
10 guardian and ward or adult instructor and pupil, exists between  
11 this person and the person under 13 years of age, or where the  
12 person stands in loco parentis to the person under 13 years of  
13 age.

14 (720 ILCS 5/24.8-2 new)

15 Sec. 24.8-2. Carrying or discharging air rifles on public  
16 streets.

17 (a) A person under 13 years of age commits carrying or  
18 discharging air rifles on public streets when he or she carries  
19 any air rifle on the public streets, roads, highways or public  
20 lands within this State, unless the person under 13 years of  
21 age carries the air rifle unloaded.

22 (b) A person commits carrying or discharging air rifles on  
23 public streets when he or she discharges any air rifle from or  
24 across any street, sidewalk, road, highway or public land or  
25 any public place except on a safely constructed target range.

1 (720 ILCS 5/24.8-3 new)

2 Sec. 24.8-3. Permissive possession of an air rifle by a  
3 person under 13 years of age. Notwithstanding any provision of  
4 this Article, it is lawful for any person under 13 years of age  
5 to have in his or her possession any air rifle if it is:

6 (1) Kept within his or her house of residence or other  
7 private enclosure;

8 (2) Used by the person and he or she is a duly enrolled  
9 member of any club, team or society organized for educational  
10 purposes and maintaining as part of its facilities or having  
11 written permission to use an indoor or outdoor rifle range  
12 under the supervision guidance and instruction of a responsible  
13 adult and then only if the air rifle is actually being used in  
14 connection with the activities of the club team or society  
15 under the supervision of a responsible adult; or

16 (3) Used in or on any private grounds or residence under  
17 circumstances when the air rifle is fired, discharged or  
18 operated in a manner as not to endanger persons or property and  
19 then only if it is used in a manner as to prevent the  
20 projectile from passing over any grounds or space outside the  
21 limits of the grounds or residence.

22 (720 ILCS 5/24.8-4 new)

23 Sec. 24.8-4. Permissive sales. The provisions of this  
24 Article do not prohibit sales of air rifles:

1           (1) By wholesale dealers or jobbers;  
2           (2) To be shipped out of the State; or  
3           (3) To be used at a target range operated in accordance  
4 with Section 24.8-3 of this Article or by members of the Armed  
5 Services of the United States or Veterans' organizations.

6           (720 ILCS 5/24.8-5 new)

7           Sec. 24.8-5. Sentence. A violation of this Article is a  
8 petty offense. The State Police or any sheriff or police  
9 officer shall seize, take, remove or cause to be removed at the  
10 expense of the owner, any air rifle sold or used in any manner  
11 in violation of this Article.

12           (720 ILCS 5/24.8-6 new)

13           Sec. 24.8-6. Municipal regulation. The provisions of any  
14 ordinance enacted by any municipality which impose greater  
15 restrictions or limitations in respect to the sale and  
16 purchase, use or possession of air rifles as herein defined  
17 than are imposed by this Article, are not invalidated nor  
18 affected by this Article.

19           (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

20           Sec. 25-1. Mob action.

21           (a) A person commits ~~the offense of~~ mob action when he or  
22 she engages in any of the following:

23           (1) the knowing or reckless use of force or violence

1           disturbing the public peace by 2 or more persons acting  
2           together and without authority of law;

3           (2) the knowing assembly of 2 or more persons with the  
4           intent to commit or facilitate the commission of a felony  
5           or misdemeanor; or

6           (3) the knowing assembly of 2 or more persons, without  
7           authority of law, for the purpose of doing violence to the  
8           person or property of anyone supposed to have been guilty  
9           of a violation of the law, or for the purpose of exercising  
10          correctional powers or regulative powers over any person by  
11          violence.

12          (b) Sentence.

13           (1) Mob action in violation of ~~as defined in~~ paragraph  
14          (1) of subsection (a) is a Class 4 felony.

15           (2) ~~(e)~~ Mob action in violation of ~~as defined in~~  
16          paragraphs (2) and (3) of subsection (a) is a Class C  
17          misdemeanor.

18           (3) ~~(d)~~ A ~~Any~~ participant in a mob action that by  
19          violence inflicts injury to the person or property of  
20          another commits a Class 4 felony.

21           (4) ~~(e)~~ A ~~Any~~ participant in a mob action who does not  
22          withdraw when ~~on being~~ commanded to do so by a ~~any~~ peace  
23          officer commits a Class A misdemeanor.

24           (5) ~~(f)~~ In addition to any other sentence that may be  
25          imposed, a court shall order any person convicted of mob  
26          action to perform community service for not less than 30

1 and not more than 120 hours, if community service is  
2 available in the jurisdiction and is funded and approved by  
3 the county board of the county where the offense was  
4 committed. In addition, whenever any person is placed on  
5 supervision for an alleged offense under this Section, the  
6 supervision shall be conditioned upon the performance of  
7 the community service. This paragraph ~~subsection~~ does not  
8 apply when the court imposes a sentence of incarceration.

9 (Source: P.A. 96-710, eff. 1-1-10.)

10 (720 ILCS 5/25-4)

11 Sec. 25-4. Looting by individuals.

12 (a) A person commits ~~the offense of~~ looting when he or she  
13 knowingly without authority of law or the owner enters any home  
14 or dwelling or upon any premises of another, or enters any  
15 commercial, mercantile, business, or industrial building,  
16 plant, or establishment, in which normal security of property  
17 is not present by virtue of a hurricane, fire, or vis major of  
18 any kind or by virtue of a riot, mob, or other human agency,  
19 and obtains or exerts control over property of the owner.

20 (b) Sentence. Looting is a Class 4 felony. In addition to  
21 any other penalty imposed, the court shall impose a sentence of  
22 at least 100 hours of community service as determined by the  
23 court and shall require the defendant to make restitution to  
24 the owner of the property looted pursuant to Section 5-5-6 of  
25 the Unified Code of Corrections.

1 (Source: P.A. 96-710, eff. 1-1-10.)

2 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

3 Sec. 25-5. Unlawful contact with streetgang members.

4 (a) A person commits ~~the offense of~~ unlawful contact with  
5 streetgang members when he or she knowingly has direct or  
6 indirect contact with a streetgang member as defined in Section  
7 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act  
8 after having been:

9 (1) ~~he or she knowingly has direct or indirect contact~~  
10 ~~with a streetgang member as defined in Section 10 of the~~  
11 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~  
12 ~~having been~~ sentenced to probation, conditional discharge,  
13 or supervision for a criminal offense with a condition of  
14 that sentence being to refrain from direct or indirect  
15 contact with a streetgang member or members;

16 (2) ~~he or she knowingly has direct or indirect contact~~  
17 ~~with a streetgang member as defined in Section 10 of the~~  
18 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~  
19 ~~having been~~ released on bond for any criminal offense with  
20 a condition of that bond being to refrain from direct or  
21 indirect contact with a streetgang member or members;

22 (3) ~~he or she knowingly has direct or indirect contact~~  
23 ~~with a streetgang member as defined in Section 10 of the~~  
24 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~  
25 ~~having been~~ ordered by a judge in any non-criminal

1 proceeding to refrain from direct or indirect contact with  
2 a streetgang member or members; or

3 ~~(4) he or she knowingly has direct or indirect contact~~  
4 ~~with a streetgang member as defined in Section 10 of the~~  
5 ~~Streetgang Terrorism Omnibus Prevention Act after having~~  
6 ~~been~~ released from the Illinois Department of Corrections  
7 on a condition of parole or mandatory supervised release  
8 that he or she refrain from direct or indirect contact with  
9 a streetgang member or members.

10 (b) Unlawful contact with streetgang members is a Class A  
11 misdemeanor.

12 (c) This Section does not apply to a person when the only  
13 streetgang member or members he or she is with is a family or  
14 household member or members as defined in paragraph (3) of  
15 Section 112A-3 of the Code of Criminal Procedure of 1963 and  
16 the streetgang members are not engaged in any  
17 streetgang-related activity.

18 (Source: P.A. 96-710, eff. 1-1-10; incorporates P.A. 95-45,  
19 eff. 1-1-08; 96-1000, eff. 7-2-10.)

20 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

21 Sec. 26-1. Disorderly conduct ~~Elements of the Offense.~~

22 (a) A person commits disorderly conduct when he or she  
23 knowingly:

24 (1) Does any act in such unreasonable manner as to  
25 alarm or disturb another and to provoke a breach of the

1 peace; ~~or~~

2 (2) Transmits or causes to be transmitted in any manner  
3 to the fire department of any city, town, village or fire  
4 protection district a false alarm of fire, knowing at the  
5 time of the ~~such~~ transmission that there is no reasonable  
6 ground for believing that the ~~such~~ fire exists; ~~or~~

7 (3) Transmits or causes to be transmitted in any manner  
8 to another a false alarm to the effect that a bomb or other  
9 explosive of any nature or a container holding poison gas,  
10 a deadly biological or chemical contaminant, or  
11 radioactive substance is concealed in a ~~such~~ place where  
12 ~~that~~ its explosion or release would endanger human life,  
13 knowing at the time of the ~~such~~ transmission that there is  
14 no reasonable ground for believing that the ~~such~~ bomb,  
15 explosive or a container holding poison gas, a deadly  
16 biological or chemical contaminant, or radioactive  
17 substance is concealed in the ~~such~~ place; ~~or~~

18 (3.5) Transmits or causes to be transmitted a threat of  
19 destruction of a school building or school property, or a  
20 threat of violence, death, or bodily harm directed against  
21 persons at a school, school function, or school event,  
22 whether or not school is in session;

23 (4) Transmits or causes to be transmitted in any manner  
24 to any peace officer, public officer or public employee a  
25 report to the effect that an offense will be committed, is  
26 being committed, or has been committed, knowing at the time

1 of ~~the such~~ transmission that there is no reasonable ground  
2 for believing that ~~the such an~~ offense will be committed,  
3 is being committed, or has been committed; ~~or~~

4 (5) Transmits or causes to be transmitted a false  
5 report to any public safety agency without the reasonable  
6 grounds necessary to believe that transmitting the report  
7 is necessary for the safety and welfare of the public; or  
8 ~~Enters upon the property of another and for a lewd or~~  
9 ~~unlawful purpose deliberately looks into a dwelling on the~~  
10 ~~property through any window or other opening in it; or~~

11 (6) Calls the number "911" for the purpose of making or  
12 transmitting a false alarm or complaint and reporting  
13 information when, at the time the call or transmission is  
14 made, the person knows there is no reasonable ground for  
15 making the call or transmission and further knows that the  
16 call or transmission could result in the emergency response  
17 of any public safety agency; ~~While acting as a collection~~  
18 ~~agency as defined in the "Collection Agency Act" or as an~~  
19 ~~employee of such collection agency, and while attempting to~~  
20 ~~collect an alleged debt, makes a telephone call to the~~  
21 ~~alleged debtor which is designed to harass, annoy or~~  
22 ~~intimidate the alleged debtor; or~~

23 (7) Transmits or causes to be transmitted a false  
24 report to the Department of Children and Family Services  
25 under Section 4 of the "Abused and Neglected Child  
26 Reporting Act"; ~~or~~

1 (8) Transmits or causes to be transmitted a false  
2 report to the Department of Public Health under the Nursing  
3 Home Care Act, the Specialized Mental Health  
4 Rehabilitation Act, or the ID/DD Community Care Act; ~~or~~

5 (9) Transmits or causes to be transmitted in any manner  
6 to the police department or fire department of any  
7 municipality or fire protection district, or any privately  
8 owned and operated ambulance service, a false request for  
9 an ambulance, emergency medical technician-ambulance or  
10 emergency medical technician-paramedic knowing at the time  
11 there is no reasonable ground for believing that the ~~such~~  
12 assistance is required; ~~or~~

13 (10) Transmits or causes to be transmitted a false  
14 report under Article II of "An Act in relation to victims  
15 of violence and abuse", approved September 16, 1984, as  
16 amended; ~~or~~

17 (11) Enters upon the property of another and for a lewd  
18 or unlawful purpose deliberately looks into a dwelling on  
19 the property through any window or other opening in it  
20 ~~Transmits or causes to be transmitted a false report to any~~  
21 ~~public safety agency without the reasonable grounds~~  
22 ~~necessary to believe that transmitting such a report is~~  
23 ~~necessary for the safety and welfare of the public; or~~

24 (12) While acting as a collection agency as defined in  
25 the Collection Agency Act or as an employee of the  
26 collection agency, and while attempting to collect an

1        alleged debt, makes a telephone call to the alleged debtor  
2        which is designed to harass, annoy or intimidate the  
3        alleged debtor. ~~Calls the number "911" for the purpose of~~  
4        ~~making or transmitting a false alarm or complaint and~~  
5        ~~reporting information when, at the time the call or~~  
6        ~~transmission is made, the person knows there is no~~  
7        ~~reasonable ground for making the call or transmission and~~  
8        ~~further knows that the call or transmission could result in~~  
9        ~~the emergency response of any public safety agency; or~~

10        ~~(13) Transmits or causes to be transmitted a threat of~~  
11        ~~destruction of a school building or school property, or a~~  
12        ~~threat of violence, death, or bodily harm directed against~~  
13        ~~persons at a school, school function, or school event,~~  
14        ~~whether or not school is in session.~~

15        (b) Sentence. A violation of subsection (a)(1) of this  
16        Section is a Class C misdemeanor. A violation of subsection  
17        (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A  
18        violation of subsection (a)(8) or (a)(10) of this Section is a  
19        Class B misdemeanor. A violation of subsection (a)(2),  
20        (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9), ~~(a)(12), or~~  
21        ~~(a)(13)~~ of this Section is a Class 4 felony. A violation of  
22        subsection (a)(3) of this Section is a Class 3 felony, for  
23        which a fine of not less than \$3,000 and no more than \$10,000  
24        shall be assessed in addition to any other penalty imposed.

25        A violation of subsection (a)(12) ~~(a)(6)~~ of this Section is  
26        a Business Offense and shall be punished by a fine not to

1 exceed \$3,000. A second or subsequent violation of subsection  
2 (a) (7) or (a) (5) ~~(a) (11)~~ of this Section is a Class 4 felony. A  
3 third or subsequent violation of subsection (a) (11) ~~(a) (5)~~ of  
4 this Section is a Class 4 felony.

5 (c) In addition to any other sentence that may be imposed,  
6 a court shall order any person convicted of disorderly conduct  
7 to perform community service for not less than 30 and not more  
8 than 120 hours, if community service is available in the  
9 jurisdiction and is funded and approved by the county board of  
10 the county where the offense was committed. In addition,  
11 whenever any person is placed on supervision for an alleged  
12 offense under this Section, the supervision shall be  
13 conditioned upon the performance of the community service.

14 This subsection does not apply when the court imposes a  
15 sentence of incarceration.

16 (d) In addition to any other sentence that may be imposed,  
17 the court shall order any person convicted of disorderly  
18 conduct under paragraph (3) of subsection (a) involving a false  
19 alarm of a threat that a bomb or explosive device has been  
20 placed in a school to reimburse the unit of government that  
21 employs the emergency response officer or officers that were  
22 dispatched to the school for the cost of the search for a bomb  
23 or explosive device. For the purposes of this Section,  
24 "emergency response" means any incident requiring a response by  
25 a police officer, a firefighter, a State Fire Marshal employee,  
26 or an ambulance.

1 (Source: P.A. 96-339, eff. 7-1-10; 96-413, eff. 8-13-09;  
2 96-772, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1261, eff.  
3 1-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised  
4 9-14-11.)

5 (720 ILCS 5/26-2) (from Ch. 38, par. 26-2)

6 Sec. 26-2. Interference with emergency communication.

7 (a) A person commits ~~the offense of~~ interference with  
8 emergency communication when he or she knowingly,  
9 intentionally and without lawful justification interrupts,  
10 disrupts, impedes, or otherwise interferes with the  
11 transmission of a communication over a citizens band radio  
12 channel, the purpose of which communication is to inform or  
13 inquire about an emergency.

14 (b) For the purpose of this Section, "emergency" means a  
15 condition or circumstance in which an individual is or is  
16 reasonably believed by the person transmitting the  
17 communication to be in imminent danger of serious bodily injury  
18 or in which property is or is reasonably believed by the person  
19 transmitting the communication to be in imminent danger of  
20 damage or destruction.

21 (c) Sentence.

22 (1) Interference with emergency communication is a  
23 Class B misdemeanor, except as otherwise provided in  
24 paragraph (2).

25 (2) Interference with emergency communication, where

1           serious bodily injury or property loss in excess of \$1,000  
2           results, is a Class A misdemeanor.

3           (Source: P.A. 82-418.)

4           (720 ILCS 5/26-3) (from Ch. 38, par. 26-3)

5           Sec. 26-3. Use of a facsimile machine in unsolicited  
6           advertising or fund-raising.

7           (a) Definitions:

8           (1) "Facsimile machine" means a device which is capable of  
9           sending or receiving facsimiles of documents through  
10          connection with a telecommunications network.

11          (2) "Person" means an individual, public or private  
12          corporation, unit of government, partnership or unincorporated  
13          association.

14          (b) A No person commits use of a facsimile machine in  
15          unsolicited advertising or fund-raising when he or she shall  
16          knowingly uses use a facsimile machine to send or cause to be  
17          sent to another person a facsimile of a document containing  
18          unsolicited advertising or fund-raising material, except to a  
19          person which the sender knows or under all of the circumstances  
20          reasonably believes has given the sender permission, either on  
21          a case by case or continuing basis, for the sending of the such  
22          material.

23          (c) Sentence. Any person who violates subsection (b) is  
24          guilty of a petty offense and shall be fined an amount not to  
25          exceed \$500.

1 (Source: P.A. 86-555.)

2 (720 ILCS 5/26-4.5 new)

3 Sec. 26-4.5. Consumer communications privacy.

4 (a) For purposes of this Section, "communications company"  
5 means any person or organization which owns, controls, operates  
6 or manages any company which provides information or  
7 entertainment electronically to a household, including but not  
8 limited to a cable or community antenna television system.

9 (b) It shall be unlawful for a communications company to:

10 (1) install and use any equipment which would allow a  
11 communications company to visually observe or listen to  
12 what is occurring in an individual subscriber's household  
13 without the knowledge or permission of the subscriber;

14 (2) provide any person or public or private  
15 organization with a list containing the name of a  
16 subscriber, unless the communications company gives notice  
17 thereof to the subscriber;

18 (3) disclose the television viewing habits of any  
19 individual subscriber without the subscriber's consent; or

20 (4) install or maintain a home-protection scanning  
21 device in a dwelling as part of a communication service  
22 without the express written consent of the occupant.

23 (c) Sentence. A violation of this Section is a business  
24 offense, punishable by a fine not to exceed \$10,000 for each  
25 violation.

1       (d) Civil liability. Any person who has been injured by a  
2 violation of this Section may commence an action in the circuit  
3 court for damages against any communications company which has  
4 committed a violation. If the court awards damages, the  
5 plaintiff shall be awarded costs.

6       (720 ILCS 5/26-7 new)

7       Sec. 26-7. Disorderly conduct with a laser or laser  
8 pointer.

9       (a) Definitions. For the purposes of this Section:

10       "Aircraft" means any contrivance now known or  
11 hereafter invented, used, or designed for navigation of or  
12 flight in the air, but excluding parachutes.

13       "Laser" means both of the following:

14           (1) any device that utilizes the natural  
15 oscillations of atoms or molecules between energy  
16 levels for generating coherent electromagnetic  
17 radiation in the ultraviolet, visible, or infrared  
18 region of the spectrum and when discharged exceeds one  
19 milliwatt continuous wave;

20           (2) any device designed or used to amplify  
21 electromagnetic radiation by simulated emission that  
22 is visible to the human eye.

23       "Laser pointer" means a hand-held device that emits  
24 light amplified by the stimulated emission of radiation  
25 that is visible to the human eye.

1           "Laser sight" means a laser pointer that can be  
2           attached to a firearm and can be used to improve the  
3           accuracy of the firearm.

4           (b) A person commits disorderly conduct with a laser or  
5           laser pointer when he or she intentionally or knowingly:

6           (1) aims an operating laser pointer at a person he or  
7           she knows or reasonably should know to be a peace officer;  
8           or

9           (2) aims and discharges a laser or other device that  
10           creates visible light into the cockpit of an aircraft that  
11           is in the process of taking off, landing, or is in flight.

12           (c) Paragraph (2) of subsection (b) does not apply to the  
13           following individuals who aim and discharge a laser or other  
14           device at an aircraft:

15           (1) an authorized individual in the conduct of research  
16           and development or flight test operations conducted by an  
17           aircraft manufacturer, the Federal Aviation  
18           Administration, or any other person authorized by the  
19           Federal Aviation Administration to conduct this research  
20           and development or flight test operations; or

21           (2) members or elements of the Department of Defense or  
22           Department of Homeland Security acting in an official  
23           capacity for the purpose of research, development,  
24           operations, testing, or training.

25           (d) Sentence. Disorderly conduct with a laser or laser  
26           pointer is a Class A misdemeanor.

1 (720 ILCS 5/Art. 26.5 heading new)

2 ARTICLE 26.5. HARASSING AND OBSCENE COMMUNICATIONS

3 (720 ILCS 5/26.5-0.1 new)

4 Sec. 26.5-0.1. Definitions. As used in this Article:

5 "Electronic communication" means any transfer of signs,  
6 signals, writings, images, sounds, data or intelligence of any  
7 nature transmitted in whole or in part by a wire, radio,  
8 electromagnetic, photoelectric or photo-optical system.

9 "Electronic communication" includes transmissions through an  
10 electronic device including, but not limited to, a telephone,  
11 cellular phone, computer, or pager, which communication  
12 includes, but is not limited to, e-mail, instant message, text  
13 message, or voice mail.

14 "Family or household member" includes spouses, former  
15 spouses, parents, children, stepchildren and other persons  
16 related by blood or by present or prior marriage, persons who  
17 share or formerly shared a common dwelling, persons who have or  
18 allegedly share a blood relationship through a child, persons  
19 who have or have had a dating or engagement relationship, and  
20 persons with disabilities and their personal assistants. For  
21 purposes of this Article, neither a casual acquaintanceship nor  
22 ordinary fraternization between 2 individuals in business or  
23 social contexts shall be deemed to constitute a dating  
24 relationship.

1       "Harass" or "harassing" means knowing conduct which is not  
2       necessary to accomplish a purpose that is reasonable under the  
3       circumstances, that would cause a reasonable person emotional  
4       distress and does cause emotional distress to another.

5           (720 ILCS 5/26.5-1 new)

6       Sec. 26.5-1. Transmission of obscene messages.

7       (a) A person commits transmission of obscene messages when  
8       he or she sends messages or uses language or terms which are  
9       obscene, lewd or immoral with the intent to offend by means of  
10       or while using a telephone or telegraph facilities, equipment  
11       or wires of any person, firm or corporation engaged in the  
12       transmission of news or messages between states or within the  
13       State of Illinois.

14       (b) The trier of fact may infer intent to offend from the  
15       use of language or terms which are obscene, lewd or immoral.

16           (720 ILCS 5/26.5-2 new)

17       Sec. 26.5-2. Harassment by telephone.

18       (a) A person commits harassment by telephone when he or she  
19       uses telephone communication for any of the following purposes:

20           (1) Making any comment, request, suggestion or  
21           proposal which is obscene, lewd, lascivious, filthy or  
22           indecent with an intent to offend;

23           (2) Making a telephone call, whether or not  
24           conversation ensues, with intent to abuse, threaten or

1 harass any person at the called number;

2 (3) Making or causing the telephone of another  
3 repeatedly to ring, with intent to harass any person at the  
4 called number;

5 (4) Making repeated telephone calls, during which  
6 conversation ensues, solely to harass any person at the  
7 called number;

8 (5) Making a telephone call or knowingly inducing a  
9 person to make a telephone call for the purpose of  
10 harassing another person who is under 13 years of age,  
11 regardless of whether the person under 13 years of age  
12 consents to the harassment, if the defendant is at least 16  
13 years of age at the time of the commission of the offense;

14 or

15 (6) Knowingly permitting any telephone under one's  
16 control to be used for any of the purposes mentioned  
17 herein.

18 (b) Every telephone directory published for distribution  
19 to members of the general public shall contain a notice setting  
20 forth a summary of the provisions of this Section. The notice  
21 shall be printed in type which is no smaller than any other  
22 type on the same page and shall be preceded by the word  
23 "WARNING". All telephone companies in this State shall  
24 cooperate with law enforcement agencies in using their  
25 facilities and personnel to detect and prevent violations of  
26 this Article.

1 (720 ILCS 5/26.5-3 new)

2 Sec. 26.5-3. Harassment through electronic communications.

3 (a) A person commits harassment through electronic  
4 communications when he or she uses electronic communication for  
5 any of the following purposes:

6 (1) Making any comment, request, suggestion or  
7 proposal which is obscene with an intent to offend;

8 (2) Interrupting, with the intent to harass, the  
9 telephone service or the electronic communication service  
10 of any person;

11 (3) Transmitting to any person, with the intent to  
12 harass and regardless of whether the communication is read  
13 in its entirety or at all, any file, document, or other  
14 communication which prevents that person from using his or  
15 her telephone service or electronic communications device;

16 (4) Transmitting an electronic communication or  
17 knowingly inducing a person to transmit an electronic  
18 communication for the purpose of harassing another person  
19 who is under 13 years of age, regardless of whether the  
20 person under 13 years of age consents to the harassment, if  
21 the defendant is at least 16 years of age at the time of  
22 the commission of the offense;

23 (5) Threatening injury to the person or to the property  
24 of the person to whom an electronic communication is  
25 directed or to any of his or her family or household

1 members; or

2 (6) Knowingly permitting any electronic communications  
3 device to be used for any of the purposes mentioned in this  
4 subsection (a).

5 (b) Telecommunications carriers, commercial mobile service  
6 providers, and providers of information services, including,  
7 but not limited to, Internet service providers and hosting  
8 service providers, are not liable under this Section, except  
9 for willful and wanton misconduct, by virtue of the  
10 transmission, storage, or caching of electronic communications  
11 or messages of others or by virtue of the provision of other  
12 related telecommunications, commercial mobile services, or  
13 information services used by others in violation of this  
14 Section.

15 (720 ILCS 5/26.5-4 new)

16 Sec. 26.5-4. Evidence inference. Evidence that a defendant  
17 made additional telephone calls or engaged in additional  
18 electronic communications after having been requested by a  
19 named complainant or by a family or household member of the  
20 complainant to stop may be considered as evidence of an intent  
21 to harass unless disproved by evidence to the contrary.

22 (720 ILCS 5/26.5-5 new)

23 Sec. 26.5-5. Sentence.

24 (a) Except as provided in subsection (b), a person who

1 violates any of the provisions of Section 26.5-1, 26.5-2, or  
2 26.5-3 of this Article is guilty of a Class B misdemeanor.  
3 Except as provided in subsection (b), a second or subsequent  
4 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
5 is a Class A misdemeanor, for which the court shall impose a  
6 minimum of 14 days in jail or, if public or community service  
7 is established in the county in which the offender was  
8 convicted, 240 hours of public or community service.

9 (b) In any of the following circumstances, a person who  
10 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
11 shall be guilty of a Class 4 felony:

12 (1) The person has 3 or more prior violations in the  
13 last 10 years of harassment by telephone, harassment  
14 through electronic communications, or any similar offense  
15 of any other state;

16 (2) The person has previously violated the harassment  
17 by telephone provisions, or the harassment through  
18 electronic communications provisions, or committed any  
19 similar offense in any other state with the same victim or  
20 a member of the victim's family or household;

21 (3) At the time of the offense, the offender was under  
22 conditions of bail, probation, conditional discharge,  
23 mandatory supervised release or was the subject of an order  
24 of protection, in this or any other state, prohibiting  
25 contact with the victim or any member of the victim's  
26 family or household;

1           (4) In the course of the offense, the offender  
2           threatened to kill the victim or any member of the victim's  
3           family or household;

4           (5) The person has been convicted in the last 10 years  
5           of a forcible felony as defined in Section 2-8 of the  
6           Criminal Code of 1961;

7           (6) The person violates paragraph (5) of Section 26.5-2  
8           or paragraph (4) of Section 26.5-3; or

9           (7) The person was at least 18 years of age at the time  
10           of the commission of the offense and the victim was under  
11           18 years of age at the time of the commission of the  
12           offense.

13           (c) The court may order any person convicted under this  
14           Article to submit to a psychiatric examination.

15           (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

16           Sec. 28-1. Gambling.

17           (a) A person commits gambling when he or she:

18           (1) knowingly plays ~~Plays~~ a game of chance or skill for  
19           money or other thing of value, unless excepted in  
20           subsection (b) of this Section; ~~or~~

21           (2) knowingly makes ~~Makes~~ a wager upon the result of  
22           any game, contest, or any political nomination,  
23           appointment or election; ~~or~~

24           (3) knowingly operates ~~Operates~~, keeps, owns, uses,  
25           purchases, exhibits, rents, sells, bargains for the sale or

1 lease of, manufactures or distributes any gambling device;

2 ~~or~~

3 (4) contracts ~~Contracts~~ to have or give himself or  
4 herself or another the option to buy or sell, or contracts  
5 to buy or sell, at a future time, any grain or other  
6 commodity whatsoever, or any stock or security of any  
7 company, where it is at the time of making such contract  
8 intended by both parties thereto that the contract to buy  
9 or sell, or the option, whenever exercised, or the contract  
10 resulting therefrom, shall be settled, not by the receipt  
11 or delivery of such property, but by the payment only of  
12 differences in prices thereof; however, the issuance,  
13 purchase, sale, exercise, endorsement or guarantee, by or  
14 through a person registered with the Secretary of State  
15 pursuant to Section 8 of the Illinois Securities Law of  
16 1953, or by or through a person exempt from such  
17 registration under said Section 8, of a put, call, or other  
18 option to buy or sell securities which have been registered  
19 with the Secretary of State or which are exempt from such  
20 registration under Section 3 of the Illinois Securities Law  
21 of 1953 is not gambling within the meaning of this  
22 paragraph (4); ~~or~~

23 (5) knowingly ~~Knowingly~~ owns or possesses any book,  
24 instrument or apparatus by means of which bets or wagers  
25 have been, or are, recorded or registered, or knowingly  
26 possesses any money which he has received in the course of

1 a bet or wager; ~~or~~

2 (6) knowingly sells ~~Sells~~ pools upon the result of any  
3 game or contest of skill or chance, political nomination,  
4 appointment or election; ~~or~~

5 (7) knowingly sets ~~Sets~~ up or promotes any lottery or  
6 sells, offers to sell or transfers any ticket or share for  
7 any lottery; ~~or~~

8 (8) knowingly sets ~~Sets~~ up or promotes any policy game  
9 or sells, offers to sell or knowingly possesses or  
10 transfers any policy ticket, slip, record, document or  
11 other similar device; ~~or~~

12 (9) knowingly ~~Knowingly~~ drafts, prints or publishes  
13 any lottery ticket or share, or any policy ticket, slip,  
14 record, document or similar device, except for such  
15 activity related to lotteries, bingo games and raffles  
16 authorized by and conducted in accordance with the laws of  
17 Illinois or any other state or foreign government; ~~or~~

18 (10) knowingly ~~Knowingly~~ advertises any lottery or  
19 policy game, except for such activity related to lotteries,  
20 bingo games and raffles authorized by and conducted in  
21 accordance with the laws of Illinois or any other state; ~~or~~

22 (11) knowingly ~~Knowingly~~ transmits information as to  
23 wagers, betting odds, or changes in betting odds by  
24 telephone, telegraph, radio, semaphore or similar means;  
25 or knowingly installs or maintains equipment for the  
26 transmission or receipt of such information; except that

1 nothing in this subdivision (11) prohibits transmission or  
2 receipt of such information for use in news reporting of  
3 sporting events or contests; or

4 (12) knowingly ~~Knowingly~~ establishes, maintains, or  
5 operates an Internet site that permits a person to play a  
6 game of chance or skill for money or other thing of value  
7 by means of the Internet or to make a wager upon the result  
8 of any game, contest, political nomination, appointment,  
9 or election by means of the Internet. This item (12) does  
10 not apply to activities referenced in items (6) and (6.1)  
11 of subsection (b) of this Section.

12 (b) Participants in any of the following activities shall  
13 not be convicted of gambling ~~therefor~~:

14 (1) Agreements to compensate for loss caused by the  
15 happening of chance including without limitation contracts  
16 of indemnity or guaranty and life or health or accident  
17 insurance.

18 (2) Offers of prizes, award or compensation to the  
19 actual contestants in any bona fide contest for the  
20 determination of skill, speed, strength or endurance or to  
21 the owners of animals or vehicles entered in such contest.

22 (3) Pari-mutuel betting as authorized by the law of  
23 this State.

24 (4) Manufacture of gambling devices, including the  
25 acquisition of essential parts therefor and the assembly  
26 thereof, for transportation in interstate or foreign

1 commerce to any place outside this State when such  
2 transportation is not prohibited by any applicable Federal  
3 law; or the manufacture, distribution, or possession of  
4 video gaming terminals, as defined in the Video Gaming Act,  
5 by manufacturers, distributors, and terminal operators  
6 licensed to do so under the Video Gaming Act.

7 (5) The game commonly known as "bingo", when conducted  
8 in accordance with the Bingo License and Tax Act.

9 (6) Lotteries when conducted by the State of Illinois  
10 in accordance with the Illinois Lottery Law. This exemption  
11 includes any activity conducted by the Department of  
12 Revenue to sell lottery tickets pursuant to the provisions  
13 of the Illinois Lottery Law and its rules.

14 (6.1) The purchase of lottery tickets through the  
15 Internet for a lottery conducted by the State of Illinois  
16 under the program established in Section 7.12 of the  
17 Illinois Lottery Law.

18 (7) Possession of an antique slot machine that is  
19 neither used nor intended to be used in the operation or  
20 promotion of any unlawful gambling activity or enterprise.  
21 For the purpose of this subparagraph (b)(7), an antique  
22 slot machine is one manufactured 25 years ago or earlier.

23 (8) Raffles when conducted in accordance with the  
24 Raffles Act.

25 (9) Charitable games when conducted in accordance with  
26 the Charitable Games Act.

1           (10) Pull tabs and jar games when conducted under the  
2 Illinois Pull Tabs and Jar Games Act.

3           (11) Gambling games conducted on riverboats when  
4 authorized by the Riverboat Gambling Act.

5           (12) Video gaming terminal games at a licensed  
6 establishment, licensed truck stop establishment, licensed  
7 fraternal establishment, or licensed veterans  
8 establishment when conducted in accordance with the Video  
9 Gaming Act.

10          (13) Games of skill or chance where money or other  
11 things of value can be won but no payment or purchase is  
12 required to participate.

13          (c) Sentence.

14          Gambling ~~under subsection (a) (1) or (a) (2) of this Section~~  
15 is a Class A misdemeanor. ~~Gambling under any of subsections~~  
16 ~~(a) (3) through (a) (11) of this Section is a Class A~~  
17 ~~misdemeanor.~~ A second or subsequent conviction under ~~any of~~  
18 subsections (a) (3) through (a) (12) ~~(a) (11)~~, is a Class 4  
19 felony. ~~Gambling under subsection (a) (12) of this Section is a~~  
20 ~~Class A misdemeanor. A second or subsequent conviction under~~  
21 ~~subsection (a) (12) is a Class 4 felony.~~

22          (d) Circumstantial evidence.

23          In prosecutions under ~~subsection (a) (1) through (a) (12) of~~  
24 this Section circumstantial evidence shall have the same  
25 validity and weight as in any criminal prosecution.

26          (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;

1 96-1203, eff. 7-22-10.)

2 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

3 Sec. 28-1.1. Syndicated gambling.

4 (a) Declaration of Purpose. Recognizing the close  
5 relationship between professional gambling and other organized  
6 crime, it is declared to be the policy of the legislature to  
7 restrain persons from engaging in the business of gambling for  
8 profit in this State. This Section shall be liberally construed  
9 and administered with a view to carrying out this policy.

10 (b) A person commits syndicated gambling when he or she  
11 operates a "policy game" or engages in the business of  
12 bookmaking.

13 (c) A person "operates a policy game" when he or she  
14 knowingly uses any premises or property for the purpose of  
15 receiving or knowingly does receive from what is commonly  
16 called "policy":

17 (1) money from a person other than the bettor ~~better~~ or  
18 player whose bets or plays are represented by the ~~such~~  
19 money; or

20 (2) written "policy game" records, made or used over  
21 any period of time, from a person other than the bettor  
22 ~~better~~ or player whose bets or plays are represented by the  
23 ~~such~~ written record.

24 (d) A person engages in bookmaking when he or she knowingly  
25 receives or accepts more than five bets or wagers upon the

1 result of any trials or contests of skill, speed or power of  
2 endurance or upon any lot, chance, casualty, unknown or  
3 contingent event whatsoever, which bets or wagers shall be of  
4 such size that the total of the amounts of money paid or  
5 promised to be paid to the ~~such~~ bookmaker on account thereof  
6 shall exceed \$2,000. Bookmaking is the receiving or accepting  
7 of ~~such~~ bets or wagers regardless of the form or manner in  
8 which the bookmaker records them.

9 (e) Participants in any of the following activities shall  
10 not be convicted of syndicated gambling:

11 (1) Agreements to compensate for loss caused by the  
12 happening of chance including without limitation contracts  
13 of indemnity or guaranty and life or health or accident  
14 insurance; ~~and~~

15 (2) Offers of prizes, award or compensation to the  
16 actual contestants in any bona fide contest for the  
17 determination of skill, speed, strength or endurance or to  
18 the owners of animals or vehicles entered in the ~~such~~  
19 contest; ~~and~~

20 (3) Pari-mutuel betting as authorized by law of this  
21 State; ~~and~~

22 (4) Manufacture of gambling devices, including the  
23 acquisition of essential parts therefor and the assembly  
24 thereof, for transportation in interstate or foreign  
25 commerce to any place outside this State when the ~~such~~  
26 transportation is not prohibited by any applicable Federal

1 law; ~~and~~

2 (5) Raffles when conducted in accordance with the  
3 Raffles Act; ~~and~~

4 (6) Gambling games conducted on riverboats when  
5 authorized by the Riverboat Gambling Act; and

6 (7) Video gaming terminal games at a licensed  
7 establishment, licensed truck stop establishment, licensed  
8 fraternal establishment, or licensed veterans  
9 establishment when conducted in accordance with the Video  
10 Gaming Act.

11 (f) Sentence. Syndicated gambling is a Class 3 felony.

12 (Source: P.A. 96-34, eff. 7-13-09.)

13 (720 ILCS 5/30-2) (from Ch. 38, par. 30-2)

14 Sec. 30-2. Misprision of treason.

15 (a) A person owing allegiance to this State commits  
16 misprision of treason when he or she knowingly conceals or  
17 withholds his or her knowledge that another has committed  
18 treason against this State.

19 (b) Sentence.

20 Misprision of treason is a Class 4 felony.

21 (Source: P.A. 77-2638.)

22 (720 ILCS 5/31A-0.1 new)

23 Sec. 31A-0.1. Definitions. For the purposes of this  
24 Article:

1       "Deliver" or "delivery" means the actual, constructive or  
2 attempted transfer of possession of an item of contraband, with  
3 or without consideration, whether or not there is an agency  
4 relationship.

5       "Employee" means any elected or appointed officer, trustee  
6 or employee of a penal institution or of the governing  
7 authority of the penal institution, or any person who performs  
8 services for the penal institution pursuant to contract with  
9 the penal institution or its governing authority.

10       "Item of contraband" means any of the following:

11           (i) "Alcoholic liquor" as that term is defined in  
12 Section 1-3.05 of the Liquor Control Act of 1934.

13           (ii) "Cannabis" as that term is defined in subsection  
14 (a) of Section 3 of the Cannabis Control Act.

15           (iii) "Controlled substance" as that term is defined in  
16 the Illinois Controlled Substances Act.

17           (iii-a) "Methamphetamine" as that term is defined in  
18 the Illinois Controlled Substances Act or the  
19 Methamphetamine Control and Community Protection Act.

20           (iv) "Hypodermic syringe" or hypodermic needle, or any  
21 instrument adapted for use of controlled substances or  
22 cannabis by subcutaneous injection.

23           (v) "Weapon" means any knife, dagger, dirk, billy,  
24 razor, stiletto, broken bottle, or other piece of glass  
25 which could be used as a dangerous weapon. This term  
26 includes any of the devices or implements designated in

1 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of  
2 this Code, or any other dangerous weapon or instrument of  
3 like character.

4 (vi) "Firearm" means any device, by whatever name  
5 known, which is designed to expel a projectile or  
6 projectiles by the action of an explosion, expansion of gas  
7 or escape of gas, including but not limited to:

8 (A) any pneumatic gun, spring gun, or B-B gun which  
9 expels a single globular projectile not exceeding .18  
10 inch in diameter; or

11 (B) any device used exclusively for signaling or  
12 safety and required as recommended by the United States  
13 Coast Guard or the Interstate Commerce Commission; or

14 (C) any device used exclusively for the firing of  
15 stud cartridges, explosive rivets or industrial  
16 ammunition; or

17 (D) any device which is powered by electrical  
18 charging units, such as batteries, and which fires one  
19 or several barbs attached to a length of wire and  
20 which, upon hitting a human, can send out current  
21 capable of disrupting the person's nervous system in  
22 such a manner as to render him or her incapable of  
23 normal functioning, commonly referred to as a stun gun  
24 or taser.

25 (vii) "Firearm ammunition" means any self-contained  
26 cartridge or shotgun shell, by whatever name known, which

1 is designed to be used or adaptable to use in a firearm,  
2 including but not limited to:

3 (A) any ammunition exclusively designed for use  
4 with a device used exclusively for signaling or safety  
5 and required or recommended by the United States Coast  
6 Guard or the Interstate Commerce Commission; or

7 (B) any ammunition designed exclusively for use  
8 with a stud or rivet driver or other similar industrial  
9 ammunition.

10 (viii) "Explosive" means, but is not limited to, bomb,  
11 bombshell, grenade, bottle or other container containing  
12 an explosive substance of over one-quarter ounce for like  
13 purposes such as black powder bombs and Molotov cocktails  
14 or artillery projectiles.

15 (ix) "Tool to defeat security mechanisms" means, but is  
16 not limited to, handcuff or security restraint key, tool  
17 designed to pick locks, popper, or any device or instrument  
18 used to or capable of unlocking or preventing from locking  
19 any handcuff or security restraints, doors to cells, rooms,  
20 gates or other areas of the penal institution.

21 (x) "Cutting tool" means, but is not limited to,  
22 hacksaw blade, wirecutter, or device, instrument or file  
23 capable of cutting through metal.

24 (xi) "Electronic contraband" for the purposes of  
25 Section 31A-1.1 of this Article means, but is not limited  
26 to, any electronic, video recording device, computer, or

1       cellular communications equipment, including, but not  
2       limited to, cellular telephones, cellular telephone  
3       batteries, videotape recorders, pagers, computers, and  
4       computer peripheral equipment brought into or possessed in  
5       a penal institution without the written authorization of  
6       the Chief Administrative Officer. "Electronic contraband"  
7       for the purposes of Section 31A-1.2 of this Article, means,  
8       but is not limited to, any electronic, video recording  
9       device, computer, or cellular communications equipment,  
10       including, but not limited to, cellular telephones,  
11       cellular telephone batteries, videotape recorders, pagers,  
12       computers, and computer peripheral equipment.

13       "Penal institution" means any penitentiary, State farm,  
14       reformatory, prison, jail, house of correction, police  
15       detention area, half-way house or other institution or place  
16       for the incarceration or custody of persons under sentence for  
17       offenses awaiting trial or sentence for offenses, under arrest  
18       for an offense, a violation of probation, a violation of  
19       parole, or a violation of mandatory supervised release, or  
20       awaiting a bail setting hearing or preliminary hearing;  
21       provided that where the place for incarceration or custody is  
22       housed within another public building this Article shall not  
23       apply to that part of the building unrelated to the  
24       incarceration or custody of persons.

1           Sec. 31A-1.1. Bringing Contraband into a Penal  
2 Institution; Possessing Contraband in a Penal Institution.

3           (a) A person commits ~~the offense of~~ bringing contraband  
4 into a penal institution when he or she knowingly and without  
5 authority of any person designated or authorized to grant this  
6 ~~such~~ authority (1) brings an item of contraband into a penal  
7 institution or (2) causes another to bring an item of  
8 contraband into a penal institution or (3) places an item of  
9 contraband in such proximity to a penal institution as to give  
10 an inmate access to the contraband.

11           (b) A person commits ~~the offense of~~ possessing contraband  
12 in a penal institution when he or she knowingly possesses  
13 contraband in a penal institution, regardless of the intent  
14 with which he or she possesses it.

15           (c) (Blank). ~~For the purposes of this Section, the words~~  
16 ~~and phrases listed below shall be defined as follows:~~

17           ~~(1) "Penal institution" means any penitentiary, State~~  
18 ~~farm, reformatory, prison, jail, house of correction,~~  
19 ~~police detention area, half way house or other institution~~  
20 ~~or place for the incarceration or custody of persons under~~  
21 ~~sentence for offenses awaiting trial or sentence for~~  
22 ~~offenses, under arrest for an offense, a violation of~~  
23 ~~probation, a violation of parole, or a violation of~~  
24 ~~mandatory supervised release, or awaiting a bail setting~~  
25 ~~hearing or preliminary hearing; provided that where the~~  
26 ~~place for incarceration or custody is housed within another~~

1 ~~public building this Act shall not apply to that part of~~  
2 ~~such building unrelated to the incarceration or custody of~~  
3 ~~persons.~~

4 ~~(2) "Item of contraband" means any of the following:~~

5 ~~(i) "Alcoholic liquor" as such term is defined in~~  
6 ~~Section 1-3.05 of the Liquor Control Act of 1934.~~

7 ~~(ii) "Cannabis" as such term is defined in~~  
8 ~~subsection (a) of Section 3 of the Cannabis Control~~  
9 ~~Act.~~

10 ~~(iii) "Controlled substance" as such term is~~  
11 ~~defined in the Illinois Controlled Substances Act.~~

12 ~~(iii-a) "Methamphetamine" as such term is defined~~  
13 ~~in the Illinois Controlled Substances Act or the~~  
14 ~~Methamphetamine Control and Community Protection Act.~~

15 ~~(iv) "Hypodermic syringe" or hypodermic needle, or~~  
16 ~~any instrument adapted for use of controlled~~  
17 ~~substances or cannabis by subcutaneous injection.~~

18 ~~(v) "Weapon" means any knife, dagger, dirk, billy,~~  
19 ~~razor, stiletto, broken bottle, or other piece of glass~~  
20 ~~which could be used as a dangerous weapon. Such term~~  
21 ~~includes any of the devices or implements designated in~~  
22 ~~subsections (a)(1), (a)(3) and (a)(6) of Section 24-1~~  
23 ~~of this Act, or any other dangerous weapon or~~  
24 ~~instrument of like character.~~

25 ~~(vi) "Firearm" means any device, by whatever name~~  
26 ~~known, which is designed to expel a projectile or~~

1 ~~projectiles by the action of an explosion, expansion of~~  
2 ~~gas or escape of gas, including but not limited to:~~

3 ~~(A) any pneumatic gun, spring gun, or B-B gun~~  
4 ~~which expels a single globular projectile not~~  
5 ~~exceeding .18 inch in diameter, or;~~

6 ~~(B) any device used exclusively for signaling~~  
7 ~~or safety and required as recommended by the United~~  
8 ~~States Coast Guard or the Interstate Commerce~~  
9 ~~Commission; or~~

10 ~~(C) any device used exclusively for the firing~~  
11 ~~of stud cartridges, explosive rivets or industrial~~  
12 ~~ammunition; or~~

13 ~~(D) any device which is powered by electrical~~  
14 ~~charging units, such as batteries, and which fires~~  
15 ~~one or several barbs attached to a length of wire~~  
16 ~~and which, upon hitting a human, can send out~~  
17 ~~current capable of disrupting the person's nervous~~  
18 ~~system in such a manner as to render him incapable~~  
19 ~~of normal functioning, commonly referred to as a~~  
20 ~~stun gun or taser.~~

21 ~~(vii) "Firearm ammunition" means any~~  
22 ~~self-contained cartridge or shotgun shell, by whatever~~  
23 ~~name known, which is designed to be used or adaptable~~  
24 ~~to use in a firearm, including but not limited to:~~

25 ~~(A) any ammunition exclusively designed for~~  
26 ~~use with a device used exclusively for signaling or~~

1 ~~safety and required or recommended by the United~~  
2 ~~States Coast Guard or the Interstate Commerce~~  
3 ~~Commission; or~~

4 ~~(B) any ammunition designed exclusively for~~  
5 ~~use with a stud or rivet driver or other similar~~  
6 ~~industrial ammunition.~~

7 ~~(viii) "Explosive" means, but is not limited to,~~  
8 ~~bomb, bombshell, grenade, bottle or other container~~  
9 ~~containing an explosive substance of over one quarter~~  
10 ~~ounce for like purposes such as black powder bombs and~~  
11 ~~Molotov cocktails or artillery projectiles.~~

12 ~~(ix) "Tool to defeat security mechanisms" means,~~  
13 ~~but is not limited to, handcuff or security restraint~~  
14 ~~key, tool designed to pick locks, popper, or any device~~  
15 ~~or instrument used to or capable of unlocking or~~  
16 ~~preventing from locking any handcuff or security~~  
17 ~~restraints, doors to cells, rooms, gates or other areas~~  
18 ~~of the penal institution.~~

19 ~~(x) "Cutting tool" means, but is not limited to,~~  
20 ~~hacksaw blade, wirecutter, or device, instrument or~~  
21 ~~file capable of cutting through metal.~~

22 ~~(xi) "Electronic contraband" means, but is not~~  
23 ~~limited to, any electronic, video recording device,~~  
24 ~~computer, or cellular communications equipment,~~  
25 ~~including, but not limited to, cellular telephones,~~  
26 ~~cellular telephone batteries, videotape recorders,~~

1 ~~paggers, computers, and computer peripheral equipment~~  
2 ~~brought into or possessed in a penal institution~~  
3 ~~without the written authorization of the Chief~~  
4 ~~Administrative Officer.~~

5 (d) Sentence.

6 (1) Bringing into or possessing alcoholic liquor in  
7 ~~into~~ a penal institution is a Class 4 felony. ~~Possessing~~  
8 ~~alcoholic liquor in a penal institution is a Class 4~~  
9 ~~felony.~~

10 (2) ~~(e)~~ Bringing into or possessing cannabis in ~~into~~ a  
11 penal institution is a Class 3 felony. ~~Possessing cannabis~~  
12 ~~in a penal institution is a Class 3 felony.~~

13 (3) ~~(f)~~ Bringing into or possessing any amount of a  
14 controlled substance classified in Schedules III, IV or V  
15 of Article II of the Controlled Substance Act in ~~into~~ a  
16 penal institution is a Class 2 felony. ~~Possessing any~~  
17 ~~amount of a controlled substance classified in Schedule~~  
18 ~~III, IV, or V of Article II of the Controlled Substance Act~~  
19 ~~in a penal institution is a Class 2 felony.~~

20 (4) ~~(g)~~ Bringing into or possessing any amount of a  
21 controlled substance classified in Schedules I or II of  
22 Article II of the Controlled Substance Act in ~~into~~ a penal  
23 institution is a Class 1 felony. ~~Possessing any amount of a~~  
24 ~~controlled substance classified in Schedules I or II of~~  
25 ~~Article II of the Controlled Substance Act in a penal~~  
26 ~~institution is a Class 1 felony.~~

1           (5) ~~(h)~~ Bringing into or possessing a hypodermic  
2           syringe in an item of contraband listed in paragraph (iv)  
3           ~~of subsection (c)(2) into a penal institution is a Class 1~~  
4           ~~felony. Possessing an item of contraband listed in~~  
5           ~~paragraph (iv) of subsection (c)(2) in a penal institution~~  
6           ~~is a Class 1 felony.~~

7           (6) ~~(i)~~ Bringing into or possessing a weapon, tool to  
8           defeat security mechanisms, cutting tool, or electronic  
9           contraband in an item of contraband listed in paragraph  
10           ~~(v), (ix), (x), or (xi) of subsection (c)(2) into a penal~~  
11           ~~institution is a Class 1 felony. Possessing an item of~~  
12           ~~contraband listed in paragraph (v), (ix), (x), or (xi) of~~  
13           ~~subsection (c)(2) in a penal institution is a Class 1~~  
14           ~~felony.~~

15           (7) ~~(j)~~ Bringing into or possessing a firearm, firearm  
16           ammunition, or explosive an item of contraband listed in  
17           ~~paragraphs (vi), (vii) or (viii) of subsection (c)(2) in a~~  
18           ~~penal institution is a Class X felony. Possessing an item~~  
19           ~~of contraband listed in paragraphs (vi), (vii), or (viii)~~  
20           ~~of subsection (c)(2) in a penal institution is a Class X~~  
21           ~~felony.~~

22           (e) ~~(k)~~ It shall be an affirmative defense to subsection  
23           (b) ~~hereof~~, that the ~~such~~ possession was specifically  
24           authorized by rule, regulation, or directive of the governing  
25           authority of the penal institution or order issued under it  
26           ~~pursuant thereto.~~

1        (f) ~~(1)~~ It shall be an affirmative defense to subsection  
2        (a) (1) and subsection (b) ~~hereof~~ that the person bringing into  
3        or possessing contraband in a penal institution had been  
4        arrested, and that ~~that~~ person possessed the ~~such~~ contraband at  
5        the time of his or her arrest, and that the ~~such~~ contraband was  
6        brought into or possessed in the penal institution by that  
7        person as a direct and immediate result of his or her arrest.

8        (g) ~~(m)~~ Items confiscated may be retained for use by the  
9        Department of Corrections or disposed of as deemed appropriate  
10       by the Chief Administrative Officer in accordance with  
11       Department rules or disposed of as required by law.

12       (Source: P.A. 96-1112, eff. 1-1-11.)

13       (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

14       Sec. 31A-1.2. Unauthorized bringing of contraband into a  
15       penal institution by an employee; unauthorized possessing of  
16       contraband in a penal institution by an employee; unauthorized  
17       delivery of contraband in a penal institution by an employee.

18       (a) A person commits ~~the offense of~~ unauthorized bringing  
19       of contraband into a penal institution by an employee when a  
20       person who is an employee knowingly and without authority of  
21       any person designated or authorized to grant this ~~such~~  
22       authority:

23                (1) brings or attempts to bring an item of contraband  
24       ~~listed in subsection (d) (4)~~ into a penal institution, or

25                (2) causes or permits another to bring an item of

1           contraband ~~listed in subsection (d)(4)~~ into a penal  
2           institution.

3           (b) A person commits ~~the offense of~~ unauthorized possession  
4           of contraband in a penal institution by an employee when a  
5           person who is an employee knowingly and without authority of  
6           any person designated or authorized to grant this ~~such~~  
7           authority possesses an item of contraband ~~listed in subsection~~  
8           ~~(d)(4)~~ in a penal institution, regardless of the intent with  
9           which he or she possesses it.

10          (c) A person commits ~~the offense of~~ unauthorized delivery  
11          of contraband in a penal institution by an employee when a  
12          person who is an employee knowingly and without authority of  
13          any person designated or authorized to grant this ~~such~~  
14          authority:

15               (1) delivers or possesses with intent to deliver an  
16               item of contraband to any inmate of a penal institution, or

17               (2) conspires to deliver or solicits the delivery of an  
18               item of contraband to any inmate of a penal institution, or

19               (3) causes or permits the delivery of an item of  
20               contraband to any inmate of a penal institution, or

21               (4) permits another person to attempt to deliver an  
22               item of contraband to any inmate of a penal institution.

23          (d) ~~For purpose of this Section, the words and phrases~~  
24          ~~listed below shall be defined as follows:~~

25               ~~(1) "Penal Institution" shall have the meaning~~  
26               ~~ascribed to it in subsection (c)(1) of Section 31A 1.1 of~~

1 ~~this Code;~~

2 ~~(2) "Employee" means any elected or appointed officer,~~  
3 ~~trustee or employee of a penal institution or of the~~  
4 ~~governing authority of the penal institution, or any person~~  
5 ~~who performs services for the penal institution pursuant to~~  
6 ~~contract with the penal institution or its governing~~  
7 ~~authority.~~

8 ~~(3) "Deliver" or "delivery" means the actual,~~  
9 ~~constructive or attempted transfer of possession of an item~~  
10 ~~of contraband, with or without consideration, whether or~~  
11 ~~not there is an agency relationship;~~

12 ~~(4) "Item of contraband" means any of the following:~~

13 ~~(i) "Alcoholic liquor" as such term is defined in~~  
14 ~~Section 1 3.05 of the Liquor Control Act of 1934.~~

15 ~~(ii) "Cannabis" as such term is defined in~~  
16 ~~subsection (a) of Section 3 of the Cannabis Control~~  
17 ~~Act.~~

18 ~~(iii) "Controlled substance" as such term is~~  
19 ~~defined in the Illinois Controlled Substances Act.~~

20 ~~(iii a) "Methamphetamine" as such term is defined~~  
21 ~~in the Illinois Controlled Substances Act or the~~  
22 ~~Methamphetamine Control and Community Protection Act.~~

23 ~~(iv) "Hypodermic syringe" or hypodermic needle, or~~  
24 ~~any instrument adapted for use of controlled~~  
25 ~~substances or cannabis by subcutaneous injection.~~

26 ~~(v) "Weapon" means any knife, dagger, dirk, billy,~~

1 ~~razor, stiletto, broken bottle, or other piece of glass~~  
2 ~~which could be used as a dangerous weapon. Such term~~  
3 ~~includes any of the devices or implements designated in~~  
4 ~~subsections (a) (1), (a) (3) and (a) (6) of Section 24-1~~  
5 ~~of this Act, or any other dangerous weapon or~~  
6 ~~instrument of like character.~~

7 ~~(vi) "Firearm" means any device, by whatever name~~  
8 ~~known, which is designed to expel a projectile or~~  
9 ~~projectiles by the action of an explosion, expansion of~~  
10 ~~gas or escape of gas, including but not limited to:~~

11 ~~(A) any pneumatic gun, spring gun, or B-B gun~~  
12 ~~which expels a single globular projectile not~~  
13 ~~exceeding .18 inch in diameter; or~~

14 ~~(B) any device used exclusively for signaling~~  
15 ~~or safety and required or recommended by the United~~  
16 ~~States Coast Guard or the Interstate Commerce~~  
17 ~~Commission; or~~

18 ~~(C) any device used exclusively for the firing~~  
19 ~~of stud cartridges, explosive rivets or industrial~~  
20 ~~ammunition; or~~

21 ~~(D) any device which is powered by electrical~~  
22 ~~charging units, such as batteries, and which fires~~  
23 ~~one or several barbs attached to a length of wire~~  
24 ~~and which, upon hitting a human, can send out~~  
25 ~~current capable of disrupting the person's nervous~~  
26 ~~system in such a manner as to render him incapable~~

1 ~~of normal functioning, commonly referred to as a~~  
2 ~~stun gun or taser.~~

3 ~~(vii) "Firearm ammunition" means any~~  
4 ~~self-contained cartridge or shotgun shell, by whatever~~  
5 ~~name known, which is designed to be used or adaptable~~  
6 ~~to use in a firearm, including but not limited to:~~

7 ~~(A) any ammunition exclusively designed for~~  
8 ~~use with a device used exclusively for signaling or~~  
9 ~~safety and required or recommended by the United~~  
10 ~~States Coast Guard or the Interstate Commerce~~  
11 ~~Commission; or~~

12 ~~(B) any ammunition designed exclusively for~~  
13 ~~use with a stud or rivet driver or other similar~~  
14 ~~industrial ammunition.~~

15 ~~(viii) "Explosive" means, but is not limited to,~~  
16 ~~bomb, bombshell, grenade, bottle or other container~~  
17 ~~containing an explosive substance of over one quarter~~  
18 ~~ounce for like purposes such as black powder bombs and~~  
19 ~~Molotov cocktails or artillery projectiles.~~

20 ~~(ix) "Tool to defeat security mechanisms" means,~~  
21 ~~but is not limited to, handcuff or security restraint~~  
22 ~~key, tool designed to pick locks, popper, or any device~~  
23 ~~or instrument used to or capable of unlocking or~~  
24 ~~preventing from locking any handcuff or security~~  
25 ~~restraints, doors to cells, rooms, gates or other areas~~  
26 ~~of the penal institution.~~

1           ~~(x) "Cutting tool" means, but is not limited to,~~  
2           ~~hacksaw blade, wirecutter, or device, instrument or~~  
3           ~~file capable of cutting through metal.~~

4           ~~(xi) "Electronic contraband" means, but is not~~  
5           ~~limited to, any electronic, video recording device,~~  
6           ~~computer, or cellular communications equipment,~~  
7           ~~including, but not limited to, cellular telephones,~~  
8           ~~cellular telephone batteries, videotape recorders,~~  
9           ~~paggers, computers, and computer peripheral equipment.~~

10           For a violation of subsection (a) or (b) involving a  
11           cellular telephone or cellular telephone battery, the  
12           defendant must intend to provide the cellular telephone or  
13           cellular telephone battery to any inmate in a penal  
14           institution, or to use the cellular telephone or cellular  
15           telephone battery at the direction of an inmate or for the  
16           benefit of any inmate of a penal institution.

17           (e) Sentence.

18           (1) A violation of paragraphs (a) or (b) of this  
19           Section involving alcohol is a Class 4 felony. A violation  
20           of paragraph (a) or (b) of this Section involving cannabis  
21           is a Class 2 felony. A violation of paragraph (a) or (b)  
22           involving any amount of a controlled substance classified  
23           in Schedules III, IV or V of Article II of the Illinois  
24           Controlled Substances Act is a Class 1 felony. A violation  
25           of paragraph (a) or (b) of this Section involving any  
26           amount of a controlled substance classified in Schedules I

1 or II of Article II of the Illinois Controlled Substances  
2 Act is a Class X felony. A violation of paragraph (a) or  
3 (b) involving a hypodermic syringe ~~an item of contraband~~  
4 ~~listed in paragraph (iv) of subsection (d)(4)~~ is a Class X  
5 felony. A violation of paragraph (a) or (b) involving a  
6 weapon, tool to defeat security mechanisms, cutting tool,  
7 or electronic contraband ~~an item of contraband listed in~~  
8 ~~paragraph (v), (ix), (x), or (xi) of subsection (d)(4)~~ is a  
9 Class 1 felony. A violation of paragraph (a) or (b)  
10 involving a firearm, firearm ammunition, or explosive ~~an~~  
11 ~~item of contraband listed in paragraphs (vi), (vii) or~~  
12 ~~(viii) of subsection (d)(4)~~ is a Class X felony.

13 (2) ~~(f)~~ A violation of paragraph (c) of this Section  
14 involving alcoholic liquor is a Class 3 felony. A violation  
15 of paragraph (c) involving cannabis is a Class 1 felony. A  
16 violation of paragraph (c) involving any amount of a  
17 controlled substance classified in Schedules III, IV or V  
18 of Article II of the Illinois Controlled Substances Act is  
19 a Class X felony. A violation of paragraph (c) involving  
20 any amount of a controlled substance classified in  
21 Schedules I or II of Article II of the Illinois Controlled  
22 Substances Act is a Class X felony for which the minimum  
23 term of imprisonment shall be 8 years. A violation of  
24 paragraph (c) involving a hypodermic syringe ~~an item of~~  
25 ~~contraband listed in paragraph (iv) of subsection (d)(4)~~ is  
26 a Class X felony for which the minimum term of imprisonment

1 shall be 8 years. A violation of paragraph (c) involving a  
2 weapon, tool to defeat security mechanisms, cutting tool,  
3 or electronic contraband ~~an item of contraband listed in~~  
4 ~~paragraph (v), (ix), (x), or (xi) of subsection (d) (4)~~ is a  
5 Class X felony for which the minimum term of imprisonment  
6 shall be 10 years. A violation of paragraph (c) involving a  
7 firearm, firearm ammunition, or explosive ~~an item of~~  
8 ~~contraband listed in paragraphs (vi), (vii) or (viii) of~~  
9 ~~subsection (d) (4)~~ is a Class X felony for which the minimum  
10 term of imprisonment shall be 12 years.

11 (f) ~~(g)~~ Items confiscated may be retained for use by the  
12 Department of Corrections or disposed of as deemed appropriate  
13 by the Chief Administrative Officer in accordance with  
14 Department rules or disposed of as required by law.

15 (g) ~~(h)~~ For a violation of subsection (a) or (b) involving  
16 alcoholic liquor, a weapon, firearm, firearm ammunition, tool  
17 to defeat security mechanisms, cutting tool, or electronic  
18 contraband ~~items described in clause (i), (v), (vi), (vii),~~  
19 ~~(ix), (x), or (xi) of paragraph (4) of subsection (d),~~ the ~~such~~  
20 items shall not be considered to be in a penal institution when  
21 they are secured in an employee's locked, private motor vehicle  
22 parked on the grounds of a penal institution.

23 (Source: P.A. 96-328, eff. 8-11-09; 96-1112, eff. 1-1-11;  
24 96-1325, eff. 7-27-10; 97-333, eff. 8-12-11.)

1           Sec. 32-1. Compounding a crime.

2           (a) A person commits compounding ~~compounds~~ a crime when he  
3 or she knowingly receives or offers to another any  
4 consideration for a promise not to prosecute or aid in the  
5 prosecution of an offender.

6           (b) Sentence. Compounding a crime is a petty offense.

7           (Source: P.A. 77-2638.)

8           (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

9           Sec. 32-2. Perjury.

10          (a) A person commits perjury when, under oath or  
11 affirmation, in a proceeding or in any other matter where by  
12 law the ~~such~~ oath or affirmation is required, he or she makes a  
13 false statement, material to the issue or point in question,  
14 knowing the statement is false ~~which he does not believe to be~~  
15 ~~true.~~

16          (b) Proof of Falsity.

17          An indictment or information for perjury alleging that the  
18 offender, under oath, has knowingly made contradictory  
19 statements, material to the issue or point in question, in the  
20 same or in different proceedings, where the ~~such~~ oath or  
21 affirmation is required, need not specify which statement is  
22 false. At the trial, the prosecution need not establish which  
23 statement is false.

24          (c) Admission of Falsity.

25          Where the contradictory statements are made in the same

1 continuous trial, an admission by the offender in that same  
2 continuous trial of the falsity of a contradictory statement  
3 shall bar prosecution therefor under any provisions of this  
4 Code.

5 (d) A person shall be exempt from prosecution under  
6 subsection (a) of this Section if he or she is a peace officer  
7 who uses a false or fictitious name in the enforcement of the  
8 criminal laws, and this ~~such~~ use is approved in writing as  
9 provided in Section 10-1 of "The Liquor Control Act of 1934",  
10 as amended, Section 5 of "An Act in relation to the use of an  
11 assumed name in the conduct or transaction of business in this  
12 State", approved July 17, 1941, as amended, or Section 2605-200  
13 of the Department of State Police Law ~~(20 ILCS 2605/2605-200)~~.  
14 However, this exemption shall not apply to testimony in  
15 judicial proceedings where the identity of the peace officer is  
16 material to the issue, and he or she is ordered by the court to  
17 disclose his or her identity.

18 (e) Sentence.

19 Perjury is a Class 3 felony.

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (720 ILCS 5/32-3) (from Ch. 38, par. 32-3)

22 Sec. 32-3. Subornation of perjury.

23 (a) A person commits subornation of perjury when he or she  
24 knowingly procures or induces another to make a statement in  
25 violation of Section 32-2 which the person knows to be false.

1 (b) Sentence.

2 Subornation of perjury is a Class 4 felony.

3 (Source: P.A. 77-2638.)

4 (720 ILCS 5/32-4b) (from Ch. 38, par. 32-4b)

5 Sec. 32-4b. Bribery for excuse from jury duty.

6 (a) A jury commissioner, or any other person acting on  
7 behalf of a jury commissioner, commits bribery for excuse from  
8 jury duty, when he or she knowingly who requests, solicits,  
9 suggests, or accepts financial compensation or any other form  
10 of consideration in exchange for a promise to excuse or for  
11 excusing any person from jury duty.

12 (b) Sentence. Bribery for excuse from jury duty is ~~commits~~  
13 a Class 3 felony. In addition to any other penalty provided by  
14 law, a any jury commissioner convicted under this Section shall  
15 forfeit the performance bond required by Section 1 of "An Act  
16 in relation to jury commissioners and authorizing judges to  
17 appoint such commissioners and to make rules concerning their  
18 powers and duties", approved June 15, 1887, as amended, and  
19 shall be excluded from further service as a jury commissioner.

20 (Source: P.A. 84-1428.)

21 (720 ILCS 5/32-4c)

22 Sec. 32-4c. Witnesses; prohibition on accepting payments  
23 before judgment or verdict.

24 (a) A person who, after the commencement of a criminal

1 prosecution, has been identified in the criminal discovery  
2 process as a person who may be called as a witness in a  
3 criminal proceeding shall not knowingly accept or receive,  
4 directly or indirectly, any payment or benefit in consideration  
5 for providing information obtained as a result of witnessing an  
6 event or occurrence or having personal knowledge of certain  
7 facts in relation to the criminal proceeding.

8 (b) Sentence. A violation of this Section is a Class B  
9 misdemeanor for which the court may impose a fine not to exceed  
10 3 times the amount of compensation requested, accepted, or  
11 received.

12 (c) This Section remains applicable until the judgment of  
13 the court in the action if the defendant is tried by the court  
14 without a jury or the rendering of the verdict by the jury if  
15 the defendant is tried by jury in the action.

16 (d) This Section does not apply to any of the following  
17 circumstances:

18 (1) Lawful ~~To the lawful~~ compensation paid to expert  
19 witnesses, investigators, employees, or agents by a  
20 prosecutor, law enforcement agency, or an attorney  
21 employed to represent a person in a criminal matter.

22 (2) Lawful ~~To the lawful~~ compensation or benefits  
23 provided to an informant by a prosecutor or law enforcement  
24 agency.

25 (2.5) Lawful ~~To the lawful~~ compensation or benefits, or  
26 both, provided to an informant under a local anti-crime

1 program, such as Crime Stoppers, We-Tip, and similar  
2 programs designed to solve crimes or that foster the  
3 detection of crime and encourage persons through the  
4 programs and otherwise to come forward with information  
5 about criminal activity.

6 (2.6) Lawful ~~To the lawful~~ compensation or benefits, or  
7 both, provided by a private individual to another private  
8 individual as a reward for information leading to the  
9 arrest and conviction of specified offenders.

10 (3) Lawful ~~To the lawful~~ compensation paid to a  
11 publisher, editor, reporter, writer, or other person  
12 connected with or employed by a newspaper, magazine,  
13 television or radio station or any other publishing or  
14 media outlet for disclosing information obtained from  
15 another person relating to an offense.

16 (e) For purposes of this Section, "publishing or media  
17 outlet" means a news gathering organization that sells or  
18 distributes news to newspapers, television, or radio stations,  
19 or a cable or broadcast television or radio network that  
20 disseminates news and information.

21 (f) The person identified as a witness ~~referred to in~~  
22 ~~subsection (a) of this Section~~ may receive written notice from  
23 counsel for either the prosecution or defense of the fact that  
24 he or she has been identified ~~as a person who may be called~~ as a  
25 witness who may be called in a criminal proceeding and his or  
26 her responsibilities and possible penalties under this

1 Section. This Section shall be applicable only if the witness  
2 ~~person referred to in subsection (a) of this Section~~ received  
3 the written notice referred to in this subsection ~~(f)~~.

4 (Source: P.A. 90-506, eff. 8-19-97.)

5 (720 ILCS 5/32-4d)

6 Sec. 32-4d. Payment of jurors by parties prohibited.

7 (a) After a verdict has been rendered in a civil or  
8 criminal case, a person who was a plaintiff or defendant in the  
9 case may not knowingly offer or pay an award or other fee to a  
10 juror who was a member of the jury that rendered the verdict in  
11 the case.

12 (b) After a verdict has been rendered in a civil or  
13 criminal case, a member of the jury that rendered the verdict  
14 may not knowingly accept an award or fee from the plaintiff or  
15 defendant in that case.

16 (c) Sentence. A violation of this Section is a Class A  
17 misdemeanor.

18 (d) This Section does not apply to the payment of a fee or  
19 award to a person who was a juror for purposes unrelated to the  
20 jury's verdict or to the outcome of the case.

21 (Source: P.A. 91-879, eff. 1-1-01.)

22 (720 ILCS 5/32-7) (from Ch. 38, par. 32-7)

23 Sec. 32-7. Simulating legal process.

24 (a) A person commits simulating legal process when he or

1 she ~~who~~ issues or delivers any document which he or she knows  
2 falsely purports to be or simulates any civil or criminal  
3 process ~~commits a Class B misdemeanor.~~

4 (b) Sentence. Simulating legal process is a Class B  
5 misdemeanor.

6 (Source: P.A. 77-2638.)

7 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

8 Sec. 32-8. Tampering with public records.

9 (a) A person commits tampering with public records when he  
10 or she ~~who~~ knowingly, without lawful authority, and with the  
11 intent to defraud any party, public officer or entity, alters,  
12 destroys, defaces, removes or conceals any public record  
13 ~~commits a Class 4 felony.~~

14 (b) (Blank). ~~"Public record" expressly includes, but is not~~  
15 ~~limited to, court records, or documents, evidence, or exhibits~~  
16 ~~filed with the clerk of the court and which have become a part~~  
17 ~~of the official court record, pertaining to any civil or~~  
18 ~~eriminal proceeding in any court.~~

19 (c) A ~~Any~~ judge, circuit clerk or clerk of court, public  
20 official or employee, court reporter, or other person commits  
21 tampering with public records when he or she ~~who~~ knowingly,  
22 without lawful authority, and with the intent to defraud any  
23 party, public officer or entity, alters, destroys, defaces,  
24 removes, or conceals any public record received or held by any  
25 judge or by a clerk of any court ~~commits a Class 3 felony.~~

1       (c-5) "Public record" expressly includes, but is not  
2 limited to, court records, or documents, evidence, or exhibits  
3 filed with the clerk of the court and which have become a part  
4 of the official court record, pertaining to any civil or  
5 criminal proceeding in any court.

6       (d) Sentence. A violation of subsection (a) is a Class 4  
7 felony. A violation of subsection (c) is a Class 3 felony. Any  
8 person convicted under subsection (c) who at the time of the  
9 violation was responsible for making, keeping, storing, or  
10 reporting the record for which the tampering occurred:

11           (1) shall forfeit his or her public office or public  
12 employment, if any, and shall thereafter be ineligible for  
13 both State and local public office and public employment in  
14 this State for a period of 5 years after completion of any  
15 term of probation, conditional discharge, or incarceration  
16 in a penitentiary including the period of mandatory  
17 supervised release;

18           (2) shall forfeit all retirement, pension, and other  
19 benefits arising out of public office or public employment  
20 as may be determined by the court in accordance with the  
21 applicable provisions of the Illinois Pension Code;

22           (3) shall be subject to termination of any professional  
23 licensure or registration in this State as may be  
24 determined by the court in accordance with the provisions  
25 of the applicable professional licensing or registration  
26 laws;

1           (4) may be ordered by the court, after a hearing in  
2           accordance with applicable law and in addition to any other  
3           penalty or fine imposed by the court, to forfeit to the  
4           State an amount equal to any financial gain or the value of  
5           any advantage realized by the person as a result of the  
6           offense; and

7           (5) may be ordered by the court, after a hearing in  
8           accordance with applicable law and in addition to any other  
9           penalty or fine imposed by the court, to pay restitution to  
10          the victim in an amount equal to any financial loss or the  
11          value of any advantage lost by the victim as a result of  
12          the offense.

13          For the purposes of this subsection (d), an offense under  
14          subsection (c) committed by a person holding public office or  
15          public employment shall be rebuttably presumed to relate to or  
16          arise out of or in connection with that public office or public  
17          employment.

18          (e) Any party litigant who believes a violation of this  
19          Section has occurred may seek the restoration of the court  
20          record as provided in the Court Records Restoration Act. Any  
21          order of the court denying the restoration of the court record  
22          may be appealed as any other civil judgment.

23          (f) When the sheriff or local law enforcement agency having  
24          jurisdiction declines to investigate, or inadequately  
25          investigates, the court or any interested party, shall notify  
26          the State Police of a suspected violation of subsection (a) or

1 (c), who shall have the authority to investigate, and may  
2 investigate, the same, without regard to whether the ~~such~~ local  
3 law enforcement agency has requested the State Police to do so.

4 (g) If the State's Attorney having jurisdiction declines to  
5 prosecute a violation of subsection (a) or (c), the court or  
6 interested party shall notify the Attorney General of the ~~such~~  
7 refusal. The Attorney General shall, thereafter, have the  
8 authority to prosecute, and may prosecute, the violation ~~same~~,  
9 without a referral from the ~~such~~ State's Attorney.

10 (h) Prosecution of a violation of subsection (c) shall be  
11 commenced within 3 years after the act constituting the  
12 violation is discovered or reasonably should have been  
13 discovered.

14 (Source: P.A. 96-1217, eff. 1-1-11; 96-1508, eff. 6-1-11.)

15 (720 ILCS 5/32-9) (from Ch. 38, par. 32-9)

16 Sec. 32-9. Tampering with public notice.

17 (a) A person commits tampering with public notice when he  
18 or she ~~who~~ knowingly and without lawful authority alters,  
19 destroys, defaces, removes or conceals any public notice,  
20 posted according to law, during the time for which the notice  
21 was to remain posted, ~~commits a petty offense.~~

22 (b) Sentence. Tampering with public notice is a petty  
23 offense.

24 (Source: P.A. 77-2638.)

1 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

2 Sec. 32-10. Violation of bail bond.

3 (a) Whoever, having been admitted to bail for appearance  
4 before any court of this State, incurs a forfeiture of the bail  
5 and knowingly ~~willfully~~ fails to surrender himself or herself  
6 within 30 days following the date of the ~~such~~ forfeiture,  
7 commits, if the bail was given in connection with a charge of  
8 felony or pending appeal or certiorari after conviction of any  
9 offense, a felony of the next lower Class or a Class A  
10 misdemeanor if the underlying offense was a Class 4 felony; or,  
11 if the bail was given in connection with a charge of committing  
12 a misdemeanor, or for appearance as a witness, commits a  
13 misdemeanor of the next lower Class, but not less than a Class  
14 C misdemeanor.

15 (a-5) Any person who knowingly violates a condition of bail  
16 bond by possessing a firearm in violation of his or her  
17 conditions of bail commits a Class 4 felony for a first  
18 violation and a Class 3 felony for a second or subsequent  
19 violation.

20 (b) Whoever, having been admitted to bail for appearance  
21 before any court of this State, while charged with a criminal  
22 offense in which the victim is a family or household member as  
23 defined in Article 112A of the Code of Criminal Procedure of  
24 1963, knowingly violates a condition of that release as set  
25 forth in Section 110-10, subsection (d) of the Code of Criminal  
26 Procedure of 1963, commits a Class A misdemeanor.

1 (c) Whoever, having been admitted to bail for appearance  
2 before any court of this State for a felony, Class A  
3 misdemeanor or a criminal offense in which the victim is a  
4 family or household member as defined in Article 112A of the  
5 Code of Criminal Procedure of 1963, is charged with any other  
6 felony, Class A misdemeanor, or a criminal offense in which the  
7 victim is a family or household member as defined in Article  
8 112A of the Code of Criminal Procedure of 1963 while on this  
9 ~~such~~ release, must appear before the court before bail is  
10 statutorily set.

11 (d) Nothing in this Section shall interfere with or prevent  
12 the exercise by any court of its power to punishment for  
13 contempt. Any sentence imposed for violation of this Section  
14 shall be served consecutive to the sentence imposed for the  
15 charge for which bail had been granted and with respect to  
16 which the defendant has been convicted.

17 (Source: P.A. 91-696, eff. 4-13-00.)

18 (720 ILCS 5/32-15 new)

19 Sec. 32-15. Bail bond false statement. Any person who in  
20 any affidavit, document, schedule or other application to  
21 become surety or bail for another on any bail bond or  
22 recognizance in any civil or criminal proceeding then pending  
23 or about to be started against the other person, having taken a  
24 lawful oath or made affirmation, shall swear or affirm  
25 wilfully, corruptly and falsely as to the ownership or liens or

1 incumbrances upon or the value of any real or personal property  
2 alleged to be owned by the person proposed as surety or bail,  
3 the financial worth or standing of the person proposed as  
4 surety or bail, or as to the number or total penalties of all  
5 other bonds or recognizances signed by and standing against the  
6 proposed surety or bail, or any person who, having taken a  
7 lawful oath or made affirmation, shall testify wilfully,  
8 corruptly and falsely as to any of said matters for the purpose  
9 of inducing the approval of any such bail bond or recognizance;  
10 or for the purpose of justifying on any such bail bond or  
11 recognizance, or who shall suborn any other person to so swear,  
12 affirm or testify as aforesaid, shall be deemed and adjudged  
13 guilty of perjury or subornation of perjury (as the case may  
14 be) and punished accordingly.

15 (720 ILCS 5/33-1) (from Ch. 38, par. 33-1)

16 Sec. 33-1. Bribery.† A person commits bribery when:

17 (a) With intent to influence the performance of any act  
18 related to the employment or function of any public officer,  
19 public employee, juror or witness, he or she promises or  
20 tenders to that person any property or personal advantage which  
21 he or she is not authorized by law to accept; or

22 (b) With intent to influence the performance of any act  
23 related to the employment or function of any public officer,  
24 public employee, juror or witness, he or she promises or  
25 tenders to one whom he or she believes to be a public officer,

1 public employee, juror or witness, any property or personal  
2 advantage which a public officer, public employee, juror or  
3 witness would not be authorized by law to accept; or

4 (c) With intent to cause any person to influence the  
5 performance of any act related to the employment or function of  
6 any public officer, public employee, juror or witness, he or  
7 she promises or tenders to that person any property or personal  
8 advantage which he or she is not authorized by law to accept;  
9 or

10 (d) He or she receives, retains or agrees to accept any  
11 property or personal advantage which he or she is not  
12 authorized by law to accept knowing that the ~~such~~ property or  
13 personal advantage was promised or tendered with intent to  
14 cause him or her to influence the performance of any act  
15 related to the employment or function of any public officer,  
16 public employee, juror or witness; or

17 (e) He or she solicits, receives, retains, or agrees to  
18 accept any property or personal advantage pursuant to an  
19 understanding that he or she shall improperly influence or  
20 attempt to influence the performance of any act related to the  
21 employment or function of any public officer, public employee,  
22 juror or witness.

23 (f) As used in this Section, "tenders" means any delivery  
24 or proffer made with the requisite intent.

25 (g) Sentence. Bribery is a Class 2 felony.

26 (Source: P.A. 84-761.)

1 (720 ILCS 5/33-8 new)

2 Sec. 33-8. Legislative misconduct.

3 (a) A member of the General Assembly commits legislative  
4 misconduct when he or she knowingly accepts or receives,  
5 directly or indirectly, any money or other valuable thing, from  
6 any corporation, company or person, for any vote or influence  
7 he or she may give or withhold on any bill, resolution or  
8 appropriation, or for any other official act.

9 (b) Sentence. Legislative misconduct is a Class 3 felony.

10 (720 ILCS 5/33E-11) (from Ch. 38, par. 33E-11)

11 Sec. 33E-11. (a) Every bid submitted to and public contract  
12 executed pursuant to such bid by the State or a unit of local  
13 government shall contain a certification by the prime  
14 contractor that the prime contractor is not barred from  
15 contracting with any unit of State or local government as a  
16 result of a violation of either Section 33E-3 or 33E-4 of this  
17 Article. The State and units of local government shall provide  
18 the appropriate forms for such certification.

19 (b) A contractor who knowingly makes a false statement,  
20 material to the certification, commits a Class 3 felony.

21 (Source: P.A. 86-150.)

22 (720 ILCS 5/33E-14)

23 Sec. 33E-14. False statements on vendor applications.

1       (a) A person commits false statements on vendor  
2 applications when he or she ~~whoever~~ knowingly makes any false  
3 statement or report, with the intent to influence ~~for the~~  
4 ~~purpose of influencing~~ in any way the action of any unit of  
5 local government or school district in considering a vendor  
6 application, ~~is guilty of a Class 3 felony.~~

7       (b) Sentence. False statements on vendor applications is a  
8 Class 3 felony.

9       (Source: P.A. 90-800, eff. 1-1-99.)

10       (720 ILCS 5/33E-15)

11       Sec. 33E-15. False entries.

12       (a) An ~~Any~~ officer, agent, or employee of, or anyone who is  
13 affiliated in any capacity with any unit of local government or  
14 school district commits false entries when he or she ~~and~~ makes  
15 a false entry in any book, report, or statement of any unit of  
16 local government or school district with the intent to defraud  
17 the unit of local government or school district, ~~is guilty of a~~  
18 ~~Class 3 felony.~~

19       (b) Sentence. False entries is a Class 3 felony.

20       (Source: P.A. 90-800, eff. 1-1-99.)

21       (720 ILCS 5/33E-16)

22       Sec. 33E-16. Misapplication of funds.

23       (a) An ~~Whoever, being an~~ officer, director, agent, or  
24 employee of, or affiliated in any capacity with any unit of

1 local government or school district commits misapplication of  
2 funds when he or she knowingly, ~~willfully~~ misapplies any of the  
3 moneys, funds, or credits of the unit of local government or  
4 school district ~~is guilty of a Class 3 felony.~~

5 (b) Sentence. Misapplication of funds is a Class 3 felony.

6 (Source: P.A. 90-800, eff. 1-1-99.)

7 (720 ILCS 5/33E-18)

8 Sec. 33E-18. Unlawful stringing of bids.

9 (a) A person commits unlawful stringing of bids when he or  
10 she, with the intent to evade ~~No person for the purpose of~~  
11 ~~evading~~ the bidding requirements of any unit of local  
12 government or school district, ~~shall~~ knowingly strings ~~string~~  
13 or assists ~~assist~~ in stringing, or attempts ~~attempt~~ to string  
14 any contract or job order with the unit of local government or  
15 school district.

16 (b) Sentence. Unlawful stringing of bids ~~A person who~~  
17 ~~violates this Section~~ is ~~guilty of~~ a Class 4 felony.

18 (Source: P.A. 90-800, eff. 1-1-99.)

19 (720 ILCS 5/Art. 48 heading new)

20 ARTICLE 48. ANIMALS

21 (720 ILCS 5/48-1 new)

22 Sec. 48-1 ~~26-5~~. Dog fighting. (For other provisions that  
23 may apply to dog fighting, see the Humane Care for Animals Act.

1 For provisions similar to this Section that apply to animals  
2 other than dogs, see in particular Section 4.01 of the Humane  
3 Care for Animals Act.)

4 (a) No person may own, capture, breed, train, or lease any  
5 dog which he or she knows is intended for use in any show,  
6 exhibition, program, or other activity featuring or otherwise  
7 involving a fight between the dog and any other animal or  
8 human, or the intentional killing of any dog for the purpose of  
9 sport, wagering, or entertainment.

10 (b) No person may promote, conduct, carry on, advertise,  
11 collect money for or in any other manner assist or aid in the  
12 presentation for purposes of sport, wagering, or entertainment  
13 of any show, exhibition, program, or other activity involving a  
14 fight between 2 or more dogs or any dog and human, or the  
15 intentional killing of any dog.

16 (c) No person may sell or offer for sale, ship, transport,  
17 or otherwise move, or deliver or receive any dog which he or  
18 she knows has been captured, bred, or trained, or will be used,  
19 to fight another dog or human or be intentionally killed for  
20 purposes of sport, wagering, or entertainment.

21 (c-5) No person may solicit a minor to violate this  
22 Section.

23 (d) No person may manufacture for sale, shipment,  
24 transportation, or delivery any device or equipment which he or  
25 she knows or should know is intended for use in any show,  
26 exhibition, program, or other activity featuring or otherwise

1 involving a fight between 2 or more dogs, or any human and dog,  
2 or the intentional killing of any dog for purposes of sport,  
3 wagering, or entertainment.

4 (e) No person may own, possess, sell or offer for sale,  
5 ship, transport, or otherwise move any equipment or device  
6 which he or she knows or should know is intended for use in  
7 connection with any show, exhibition, program, or activity  
8 featuring or otherwise involving a fight between 2 or more  
9 dogs, or any dog and human, or the intentional killing of any  
10 dog for purposes of sport, wagering or entertainment.

11 (f) No person may knowingly make available any site,  
12 structure, or facility, whether enclosed or not, that he or she  
13 knows is intended to be used for the purpose of conducting any  
14 show, exhibition, program, or other activity involving a fight  
15 between 2 or more dogs, or any dog and human, or the  
16 intentional killing of any dog or knowingly manufacture,  
17 distribute, or deliver fittings to be used in a fight between 2  
18 or more dogs or a dog and human.

19 (g) No person may knowingly attend or otherwise patronize  
20 any show, exhibition, program, or other activity featuring or  
21 otherwise involving a fight between 2 or more dogs, or any dog  
22 and human, or the intentional killing of any dog for purposes  
23 of sport, wagering, or entertainment.

24 (h) No person may tie or attach or fasten any live animal  
25 to any machine or device propelled by any power for the purpose  
26 of causing the animal to be pursued by a dog or dogs. This

1 subsection (h) applies only when the dog is intended to be used  
2 in a dog fight.

3 (i) Sentence. ~~Penalties for violations of this Section~~  
4 ~~shall be as follows:~~

5 (1) Any person convicted of violating subsection (a),  
6 (b), (c), or (h) of this Section is guilty of a Class 4  
7 felony for a first violation and a Class 3 felony for a  
8 second or subsequent violation, and may be fined an amount  
9 not to exceed \$50,000.

10 (1.5) A person who knowingly owns a dog for fighting  
11 purposes or for producing a fight between 2 or more dogs or  
12 a dog and human or who knowingly offers for sale or sells a  
13 dog bred for fighting is guilty of a Class 3 felony and may  
14 be fined an amount not to exceed \$50,000, if the dog  
15 participates in a dogfight and any of the following factors  
16 is present:

17 (i) the dogfight is performed in the presence of a  
18 person under 18 years of age;

19 (ii) the dogfight is performed for the purpose of  
20 or in the presence of illegal wagering activity; or

21 (iii) the dogfight is performed in furtherance of  
22 streetgang related activity as defined in Section 10 of  
23 the Illinois Streetgang Terrorism Omnibus Prevention  
24 Act.

25 (1.7) A person convicted of violating subsection (c-5)  
26 of this Section is guilty of a Class 4 felony.

1           (2) Any person convicted of violating subsection (d) or  
2           (e) of this Section is guilty of a Class 4 felony for a  
3           first violation. A second or subsequent violation of  
4           subsection (d) or (e) of this Section is a Class 3 felony.

5           (2.5) Any person convicted of violating subsection (f)  
6           of this Section is guilty of a Class 4 felony. Any person  
7           convicted of violating subsection (f) of this Section in  
8           which the site, structure, or facility made available to  
9           violate subsection (f) is located within 1,000 feet of a  
10          school, public park, playground, child care institution,  
11          day care center, part day child care facility, day care  
12          home, group day care home, or a facility providing programs  
13          or services exclusively directed toward persons under 18  
14          years of age is guilty of a Class 3 felony for a first  
15          violation and a Class 2 felony for a second or subsequent  
16          violation.

17          (3) Any person convicted of violating subsection (g) of  
18          this Section is guilty of a Class 4 felony for a first  
19          violation. A second or subsequent violation of subsection  
20          (g) of this Section is a Class 3 felony. If a person under  
21          13 years of age is present at any show, exhibition,  
22          program, or other activity prohibited in subsection (g),  
23          the parent, legal guardian, or other person who is 18 years  
24          of age or older who brings that person under 13 years of  
25          age to that show, exhibition, program, or other activity is  
26          guilty of a Class 3 felony for a first violation and a

1 Class 2 felony for a second or subsequent violation.

2 (i-5) A person who commits a felony violation of this  
3 Section is subject to the property forfeiture provisions set  
4 forth in Article 124B of the Code of Criminal Procedure of  
5 1963.

6 (j) Any dog or equipment involved in a violation of this  
7 Section shall be immediately seized and impounded under Section  
8 12 of the Humane Care for Animals Act when located at any show,  
9 exhibition, program, or other activity featuring or otherwise  
10 involving a dog fight for the purposes of sport, wagering, or  
11 entertainment.

12 (k) Any vehicle or conveyance other than a common carrier  
13 that is used in violation of this Section shall be seized,  
14 held, and offered for sale at public auction by the sheriff's  
15 department of the proper jurisdiction, and the proceeds from  
16 the sale shall be remitted to the general fund of the county  
17 where the violation took place.

18 (l) Any veterinarian in this State who is presented with a  
19 dog for treatment of injuries or wounds resulting from fighting  
20 where there is a reasonable possibility that the dog was  
21 engaged in or utilized for a fighting event for the purposes of  
22 sport, wagering, or entertainment shall file a report with the  
23 Department of Agriculture and cooperate by furnishing the  
24 owners' names, dates, and descriptions of the dog or dogs  
25 involved. Any veterinarian who in good faith complies with the  
26 requirements of this subsection has immunity from any

1 liability, civil, criminal, or otherwise, that may result from  
2 his or her actions. For the purposes of any proceedings, civil  
3 or criminal, the good faith of the veterinarian shall be  
4 rebuttably presumed.

5 (m) In addition to any other penalty provided by law, upon  
6 conviction for violating this Section, the court may order that  
7 the convicted person and persons dwelling in the same household  
8 as the convicted person who conspired, aided, or abetted in the  
9 unlawful act that was the basis of the conviction, or who knew  
10 or should have known of the unlawful act, may not own, harbor,  
11 or have custody or control of any dog or other animal for a  
12 period of time that the court deems reasonable.

13 (n) A violation of subsection (a) of this Section may be  
14 inferred from evidence that the accused possessed any device or  
15 equipment described in subsection (d), (e), or (h) of this  
16 Section, and also possessed any dog.

17 (o) When no longer required for investigations or court  
18 proceedings relating to the events described or depicted  
19 therein, evidence relating to convictions for violations of  
20 this Section shall be retained and made available for use in  
21 training peace officers in detecting and identifying  
22 violations of this Section. Such evidence shall be made  
23 available upon request to other law enforcement agencies and to  
24 schools certified under the Illinois Police Training Act.

25 (p) For the purposes of this Section, "school" has the  
26 meaning ascribed to it in Section 11-9.3 of this Code; and

1 "public park", "playground", "child care institution", "day  
2 care center", "part day child care facility", "day care home",  
3 "group day care home", and "facility providing programs or  
4 services exclusively directed toward persons under 18 years of  
5 age" have the meanings ascribed to them in Section 11-9.4 of  
6 this Code.

7 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;  
8 96-1000, eff. 7-2-10; 96-1091, eff. 1-1-11.)

9 (720 ILCS 5/48-2 new)

10 Sec. 48-2. Animal research and production facilities  
11 protection.

12 (a) Definitions.

13 "Animal" means every living creature, domestic or  
14 wild, but does not include man.

15 "Animal facility" means any facility engaging in legal  
16 scientific research or agricultural production of or  
17 involving the use of animals including any organization  
18 with a primary purpose of representing livestock  
19 production or processing, any organization with a primary  
20 purpose of promoting or marketing livestock or livestock  
21 products, any person licensed to practice veterinary  
22 medicine, any institution as defined in the Impounding and  
23 Disposition of Stray Animals Act, and any organization with  
24 a primary purpose of representing any such person,  
25 organization, or institution. "Animal facility" shall

1 include the owner, operator, and employees of any animal  
2 facility and any premises where animals are located.

3 "Director" means the Director of the Illinois  
4 Department of Agriculture or the Director's authorized  
5 representative.

6 (b) Legislative Declaration. There has been an increasing  
7 number of illegal acts committed against animal research and  
8 production facilities involving injury or loss of life to  
9 humans or animals, criminal trespass and damage to property.  
10 These actions not only abridge the property rights of the owner  
11 of the facility, they may also damage the public interest by  
12 jeopardizing crucial scientific, biomedical, or agricultural  
13 research or production. These actions can also threaten the  
14 public safety by possibly exposing communities to serious  
15 public health concerns and creating traffic hazards. These  
16 actions may substantially disrupt or damage publicly funded  
17 research and can result in the potential loss of physical and  
18 intellectual property. Therefore, it is in the interest of the  
19 people of the State of Illinois to protect the welfare of  
20 humans and animals as well as productive use of public funds to  
21 require regulation to prevent unauthorized possession,  
22 alteration, destruction, or transportation of research  
23 records, test data, research materials, equipment, research  
24 and agricultural production animals.

25 (c) It shall be unlawful for any person:

26 (1) to release, steal, or otherwise intentionally

1 cause the death, injury, or loss of any animal at or from  
2 an animal facility and not authorized by that facility;

3 (2) to damage, vandalize, or steal any property in or  
4 on an animal facility;

5 (3) to obtain access to an animal facility by false  
6 pretenses for the purpose of performing acts not authorized  
7 by that facility;

8 (4) to enter into an animal facility with an intent to  
9 destroy, alter, duplicate, or obtain unauthorized  
10 possession of records, data, materials, equipment, or  
11 animals;

12 (5) by theft or deception knowingly to obtain control  
13 or to exert control over records, data, material,  
14 equipment, or animals of any animal facility for the  
15 purpose of depriving the rightful owner or animal facility  
16 of the records, material, data, equipment, or animals or  
17 for the purpose of concealing, abandoning, or destroying  
18 these records, material, data, equipment, or animals; or

19 (6) to enter or remain on an animal facility with the  
20 intent to commit an act prohibited under this Section.

21 (d) Sentence.

22 (1) Any person who violates any provision of subsection  
23 (c) shall be guilty of a Class 4 felony for each violation,  
24 unless the loss, theft, or damage to the animal facility  
25 property exceeds \$300 in value.

26 (2) If the loss, theft, or damage to the animal

1 facility property exceeds \$300 in value but does not exceed  
2 \$10,000 in value, the person is guilty of a Class 3 felony.

3 (3) If the loss, theft, or damage to the animal  
4 facility property exceeds \$10,000 in value but does not  
5 exceed \$100,000 in value, the person is guilty of a Class 2  
6 felony.

7 (4) If the loss, theft, or damage to the animal  
8 facility property exceeds \$100,000 in value, the person is  
9 guilty of a Class 1 felony.

10 (5) Any person who, with the intent that any violation  
11 of any provision of subsection (c) be committed, agrees  
12 with another to the commission of the violation and commits  
13 an act in furtherance of this agreement is guilty of the  
14 same class of felony as provided in paragraphs (1) through  
15 (4) of this subsection for that violation.

16 (6) Restitution.

17 (A) The court shall conduct a hearing to determine  
18 the reasonable cost of replacing materials, data,  
19 equipment, animals and records that may have been  
20 damaged, destroyed, lost or cannot be returned, and the  
21 reasonable cost of repeating any experimentation that  
22 may have been interrupted or invalidated as a result of  
23 a violation of subsection (c).

24 (B) Any persons convicted of a violation shall be  
25 ordered jointly and severally to make restitution to  
26 the owner, operator, or both, of the animal facility in

1           the full amount of the reasonable cost determined under  
2           paragraph (A).

3           (e) Private right of action. Nothing in this Section shall  
4           preclude any animal facility injured in its business or  
5           property by a violation of this Section from seeking  
6           appropriate relief under any other provision of law or remedy  
7           including the issuance of a permanent injunction against any  
8           person who violates any provision of this Section. The animal  
9           facility owner or operator may petition the court to  
10           permanently enjoin the person from violating this Section and  
11           the court shall provide this relief.

12           (f) The Director shall have authority to investigate any  
13           alleged violation of this Section, along with any other law  
14           enforcement agency, and may take any action within the  
15           Director's authority necessary for the enforcement of this  
16           Section. State's Attorneys, State police and other law  
17           enforcement officials shall provide any assistance required in  
18           the conduct of an investigation and prosecution. Before the  
19           Director reports a violation for prosecution he or she may give  
20           the owner or operator of the animal facility and the alleged  
21           violation an opportunity to present his or her views at an  
22           administrative hearing. The Director may adopt any rules and  
23           regulations necessary for the enforcement of this Section.

24           (720 ILCS 5/48-3 new)

25           Sec. 48-3. Hunter or fisherman interference.

1       (a) Definitions. As used in this Section:

2           "Aquatic life" means all fish, reptiles, amphibians,  
3           crayfish, and mussels the taking of which is authorized by  
4           the Fish and Aquatic Life Code.

5           "Interfere with" means to take any action that  
6           physically impedes, hinders, or obstructs the lawful  
7           taking of wildlife or aquatic life.

8           "Taking" means the capture or killing of wildlife or  
9           aquatic life and includes travel, camping, and other acts  
10           preparatory to taking which occur on lands or waters upon  
11           which the affected person has the right or privilege to  
12           take such wildlife or aquatic life.

13           "Wildlife" means any wildlife the taking of which is  
14           authorized by the Wildlife Code and includes those species  
15           that are lawfully released by properly licensed permittees  
16           of the Department of Natural Resources.

17       (b) A person commits hunter or fisherman interference when  
18       he or she intentionally or knowingly:

19           (1) obstructs or interferes with the lawful taking of  
20           wildlife or aquatic life by another person with the  
21           specific intent to prevent that lawful taking;

22           (2) drives or disturbs wildlife or aquatic life for the  
23           purpose of disrupting a lawful taking of wildlife or  
24           aquatic life;

25           (3) blocks, impedes, or physically harasses another  
26           person who is engaged in the process of lawfully taking

1 wildlife or aquatic life;

2 (4) uses natural or artificial visual, aural,  
3 olfactory, gustatory, or physical stimuli to affect  
4 wildlife or aquatic life behavior in order to hinder or  
5 prevent the lawful taking of wildlife or aquatic life;

6 (5) erects barriers with the intent to deny ingress or  
7 egress to or from areas where the lawful taking of wildlife  
8 or aquatic life may occur;

9 (6) intentionally interjects himself or herself into  
10 the line of fire or fishing lines of a person lawfully  
11 taking wildlife or aquatic life;

12 (7) affects the physical condition or placement of  
13 personal or public property intended for use in the lawful  
14 taking of wildlife or aquatic life in order to impair the  
15 usefulness of the property or prevent the use of the  
16 property;

17 (8) enters or remains upon or over private lands  
18 without the permission of the owner or the owner's agent,  
19 with the intent to violate this subsection; or

20 (9) fails to obey the order of a peace officer to  
21 desist from conduct in violation of this subsection (b) if  
22 the officer observes the conduct, or has reasonable grounds  
23 to believe that the person has engaged in the conduct that  
24 day or that the person plans or intends to engage in the  
25 conduct that day on a specific premises.

26 (c) Exemptions; defenses.

1           (1) This Section does not apply to actions performed by  
2           authorized employees of the Department of Natural  
3           Resources, duly accredited officers of the U.S. Fish and  
4           Wildlife Service, sheriffs, deputy sheriffs, or other  
5           peace officers if the actions are authorized by law and are  
6           necessary for the performance of their official duties.

7           (2) This Section does not apply to landowners, tenants,  
8           or lease holders exercising their legal rights to the  
9           enjoyment of land, including, but not limited to, farming  
10           and restricting trespass.

11           (3) It is an affirmative defense to a prosecution for a  
12           violation of this Section that the defendant's conduct is  
13           protected by his or her right to freedom of speech under  
14           the constitution of this State or the United States.

15           (4) Any interested parties may engage in protests or  
16           other free speech activities adjacent to or on the  
17           perimeter of the location where the lawful taking of  
18           wildlife or aquatic life is taking place, provided that  
19           none of the provisions of this Section are being violated.

20           (d) Sentence. A first violation of paragraphs (1) through  
21           (8) of subsection (b) is a Class B misdemeanor. A second or  
22           subsequent violation of paragraphs (1) through (8) of  
23           subsection (b) is a Class A misdemeanor for which imprisonment  
24           for not less than 7 days shall be imposed. A person guilty of a  
25           second or subsequent violation of paragraphs (1) through (8) of  
26           subsection (b) is not eligible for court supervision. A

1 violation of paragraph (9) of subsection (b) is a Class A  
2 misdemeanor. A court shall revoke, for a period of one year to  
3 5 years, any Illinois hunting, fishing, or trapping privilege,  
4 license or permit of any person convicted of violating any  
5 provision of this Section. For purposes of this subsection, a  
6 "second or subsequent violation" means a conviction under  
7 paragraphs (1) through (8) of subsection (b) of this Section  
8 within 2 years of a prior violation arising from a separate set  
9 of circumstances.

10 (e) Injunctions; damages.

11 (1) Any court may enjoin conduct which would be in  
12 violation of paragraphs (1) through (8) of subsection (b)  
13 upon petition by a person affected or who reasonably may be  
14 affected by the conduct, upon a showing that the conduct is  
15 threatened or that it has occurred on a particular premises  
16 in the past and that it is not unreasonable to expect that  
17 under similar circumstances it will be repeated.

18 (2) A court shall award all resulting costs and damages  
19 to any person adversely affected by a violation of  
20 paragraphs (1) through (8) of subsection (b), which may  
21 include an award for punitive damages. In addition to other  
22 items of special damage, the measure of damages may include  
23 expenditures of the affected person for license and permit  
24 fees, travel, guides, special equipment and supplies, to  
25 the extent that these expenditures were rendered futile by  
26 prevention of the taking of wildlife or aquatic life.

1 (720 ILCS 5/48-4 new)

2 Sec. 48-4. Obtaining certificate of registration by false  
3 pretenses.

4 (a) A person commits obtaining certificate of registration  
5 by false pretenses when he or she, by any false pretense,  
6 obtains from any club, association, society or company for  
7 improving the breed of cattle, horses, sheep, swine, or other  
8 domestic animals, a certificate of registration of any animal  
9 in the herd register, or other register of any club,  
10 association, society or company, or a transfer of the  
11 registration.

12 (b) A person commits obtaining certificate of registration  
13 by false pretenses when he or she knowingly gives a false  
14 pedigree of any animal.

15 (c) Sentence. Obtaining certificate of registration by  
16 false pretenses is a Class A misdemeanor.

17 (720 ILCS 5/48-5 new)

18 Sec. 48-5. Horse mutilation.

19 (a) A person commits horse mutilation when he or she cuts  
20 the solid part of the tail of any horse in the operation known  
21 as docking, or by any other operation performed for the purpose  
22 of shortening the tail, and whoever shall cause the same to be  
23 done, or assist in doing this cutting, unless the same is  
24 proved to be a benefit to the horse.

1       (b) Sentence. Horse mutilation is a Class A misdemeanor.

2       (720 ILCS 5/48-6 new)

3       Sec. 48-6. Horse racing false entry.

4       (a) That in order to encourage the breeding of and  
5 improvement in trotting, running and pacing horses in the  
6 State, it is hereby made unlawful for any person or persons  
7 knowingly to enter or cause to be entered for competition, or  
8 knowingly to compete with any horse, mare, gelding, colt or  
9 filly under any other than its true name or out of its proper  
10 class for any purse, prize, premium, stake or sweepstakes  
11 offered or given by any agricultural or other society,  
12 association, person or persons in the State where the prize,  
13 purse, premium, stake or sweepstakes is to be decided by a  
14 contest of speed.

15       (b) The name of any horse, mare, gelding, colt or filly,  
16 for the purpose of entry for competition or performance in any  
17 contest of speed, shall be the name under which the horse has  
18 publicly performed, and shall not be changed after having once  
19 so performed or contested for a prize, purse, premium, stake or  
20 sweepstakes, except as provided by the code of printed rules of  
21 the society or association under which the contest is  
22 advertised to be conducted.

23       (c) The official records shall be received in all courts as  
24 evidence upon the trial of any person under the provisions of  
25 this Section.

1       (d) Sentence. A violation of subsection (a) is a Class 4  
2 felony.

3       (720 ILCS 5/48-7 new)

4       Sec. 48-7. Feeding garbage to animals.

5       (a) Definitions. As used in this Section:

6           "Department" means the Department of Agriculture of  
7 the State of Illinois.

8           "Garbage" means putrescible vegetable waste, animal,  
9 poultry, or fish carcasses or parts thereof resulting from  
10 the handling, preparation, cooking, or consumption of  
11 food, but does not include the contents of the bovine  
12 digestive tract. "Garbage" also means the bodies or parts  
13 of bodies of animals, poultry or fish.

14           "Person" means any person, firm, partnership,  
15 association, corporation, or other legal entity, any  
16 public or private institution, the State, or any municipal  
17 corporation or political subdivision of the State.

18       (b) A person commits feeding garbage to animals when he or  
19 she feeds or permits the feeding of garbage to swine or any  
20 animals or poultry on any farm or any other premises where  
21 swine are kept.

22       (c) Establishments licensed under the Illinois Dead Animal  
23 Disposal Act or under similar laws in other states are exempt  
24 from the provisions of this Section.

25       (d) Nothing in this Section shall be construed to apply to

1 any person who feeds garbage produced in his or her own  
2 household to animals or poultry kept on the premises where he  
3 or she resides except this garbage if fed to swine shall not  
4 contain particles of meat.

5 (e) Sentence. Feeding garbage to animals is a Class B  
6 misdemeanor, and for the first offense shall be fined not less  
7 than \$100 nor more than \$500 and for a second or subsequent  
8 offense shall be fined not less than \$200 nor more than \$500 or  
9 imprisoned in a penal institution other than the penitentiary  
10 for not more than 6 months, or both.

11 (f) A person violating this Section may be enjoined by the  
12 Department from continuing the violation.

13 (g) The Department may make reasonable inspections  
14 necessary for the enforcement of this Section, and is  
15 authorized to enforce, and administer the provisions of this  
16 Section.

17 (720 ILCS 5/48-8 new)

18 Sec. 48-8. Guide dog access.

19 (a) When a blind, hearing impaired or physically  
20 handicapped person or a person who is subject to epilepsy or  
21 other seizure disorders is accompanied by a dog which serves as  
22 a guide, leader, seizure-alert, or seizure-response dog for the  
23 person or when a trainer of a guide, leader, seizure-alert, or  
24 seizure-response dog is accompanied by a guide, leader,  
25 seizure-alert, or seizure-response dog or a dog that is being

1 trained to be a guide, leader, seizure-alert, or  
2 seizure-response dog, neither the person nor the dog shall be  
3 denied the right of entry and use of facilities of any public  
4 place of accommodation as defined in Section 5-101 of the  
5 Illinois Human Rights Act, if the dog is wearing a harness and  
6 the person presents credentials for inspection issued by a  
7 school for training guide, leader, seizure-alert, or  
8 seizure-response dogs.

9 (b) A person who knowingly violates of this Section commits  
10 a Class C misdemeanor.

11 (720 ILCS 5/48-9 new)

12 Sec. 48-9. Misrepresentation of stallion and jack  
13 pedigree.

14 (a) The owner or keeper of any stallion or jack kept for  
15 public service commits misrepresentation of stallion and jack  
16 pedigree when he or she misrepresents the pedigree or breeding  
17 of the stallion or jack, or represents that the animal, so kept  
18 for public service, is registered, when in fact it is not  
19 registered in a published volume of a society for the registry  
20 of standard and purebred animals, or who shall post or publish,  
21 or cause to be posted or published, any false pedigree or  
22 breeding of this animal.

23 (b) Sentence. Misrepresentation of stallion and jack  
24 pedigree is a petty offense, and for a second or subsequent  
25 offense is a Class B misdemeanor.

1

2 (720 ILCS 5/48-10 new)

3 Sec. 48-10. Dangerous animals.4 (a) Definitions. As used in this Section, unless the  
5 context otherwise requires:6 "Dangerous animal" means a lion, tiger, leopard,  
7 ocelot, jaguar, cheetah, margay, mountain lion, lynx,  
8 bobcat, jaguarundi, bear, hyena, wolf or coyote, or any  
9 poisonous or life-threatening reptile.10 "Owner" means any person who (1) has a right of  
11 property in a dangerous animal or primate, (2) keeps or  
12 harbors a dangerous animal or primate, (3) has a dangerous  
13 animal or primate in his or her care, or (4) acts as  
14 custodian of a dangerous animal or primate.15 "Person" means any individual, firm, association,  
16 partnership, corporation, or other legal entity, any  
17 public or private institution, the State, or any municipal  
18 corporation or political subdivision of the State.19 "Primate" means a nonhuman member of the order primate,  
20 including but not limited to chimpanzee, gorilla,  
21 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,  
22 and tarsier.23 (b) Dangerous animal or primate offense. No person shall  
24 have a right of property in, keep, harbor, care for, act as  
25 custodian of or maintain in his or her possession any dangerous

1 animal or primate except at a properly maintained zoological  
2 park, federally licensed exhibit, circus, college or  
3 university, scientific institution, research laboratory,  
4 veterinary hospital, hound running area, or animal refuge in an  
5 escape-proof enclosure.

6 (c) Exemptions.

7 (1) This Section does not prohibit a person who had  
8 lawful possession of a primate before January 1, 2011, from  
9 continuing to possess that primate if the person registers  
10 the animal by providing written notification to the local  
11 animal control administrator on or before April 1, 2011.

12 The notification shall include:

13 (A) the person's name, address, and telephone  
14 number; and

15 (B) the type of primate, the age, a photograph, a  
16 description of any tattoo, microchip, or other  
17 identifying information, and a list of current  
18 inoculations.

19 (2) This Section does not prohibit a person who is  
20 permanently disabled with a severe mobility impairment  
21 from possessing a single capuchin monkey to assist the  
22 person in performing daily tasks if:

23 (A) the capuchin monkey was obtained from and  
24 trained at a licensed nonprofit organization described  
25 in Section 501(c)(3) of the Internal Revenue Code of  
26 1986, the nonprofit tax status of which was obtained on

1           the basis of a mission to improve the quality of life  
2           of severely mobility-impaired individuals; and

3           (B) the person complies with the notification  
4           requirements as described in paragraph (1) of this  
5           subsection (c).

6           (d) A person who registers a primate shall notify the local  
7           animal control administrator within 30 days of a change of  
8           address. If the person moves to another locality within the  
9           State, the person shall register the primate with the new local  
10           animal control administrator within 30 days of moving by  
11           providing written notification as provided in paragraph (1) of  
12           subsection (c) and shall include proof of the prior  
13           registration.

14           (e) A person who registers a primate shall notify the local  
15           animal control administrator immediately if the primate dies,  
16           escapes, or bites, scratches, or injures a person.

17           (f) It is no defense to a violation of subsection (b) that  
18           the person violating subsection (b) has attempted to  
19           domesticate the dangerous animal. If there appears to be  
20           imminent danger to the public, any dangerous animal found not  
21           in compliance with the provisions of this Section shall be  
22           subject to seizure and may immediately be placed in an approved  
23           facility. Upon the conviction of a person for a violation of  
24           subsection (b), the animal with regard to which the conviction  
25           was obtained shall be confiscated and placed in an approved  
26           facility, with the owner responsible for all costs connected

1 with the seizure and confiscation of the animal. Approved  
2 facilities include, but are not limited to, a zoological park,  
3 federally licensed exhibit, humane society, veterinary  
4 hospital or animal refuge.

5 (g) Sentence. Any person violating this Section is guilty  
6 of a Class C misdemeanor. Any corporation or partnership, any  
7 officer, director, manager or managerial agent of the  
8 partnership or corporation who violates this Section or causes  
9 the partnership or corporation to violate this Section is  
10 guilty of a Class C misdemeanor. Each day of violation  
11 constitutes a separate offense.

12 (720 ILCS 5/Art. 49 heading new)

13 ARTICLE 49. MISCELLANEOUS OFFENSES

14 (720 ILCS 5/49-1 new)

15 Sec. 49-1. Flag desecration.

16 (a) Definition. As used in this Section:

17 "Flag", "standard", "color" or "ensign" shall include  
18 any flag, standard, color, ensign or any picture or  
19 representation of either thereof, made of any substance or  
20 represented on any substance and of any size evidently  
21 purporting to be either of said flag, standard, color or  
22 ensign of the United States of America, or a picture or a  
23 representation of either thereof, upon which shall be shown  
24 the colors, the stars, and the stripes, in any number of

1 either thereof, of the flag, colors, standard, or ensign of  
2 the United States of America.

3 (b) A person commits flag desecration when he or she  
4 knowingly:

5 (1) for exhibition or display, places or causes to be  
6 placed any word, figure, mark, picture, design, drawing, or  
7 any advertisement of any nature, upon any flag, standard,  
8 color or ensign of the United States or State flag of this  
9 State or ensign;

10 (2) exposes or causes to be exposed to public view any  
11 such flag, standard, color or ensign, upon which has been  
12 printed, painted or otherwise placed, or to which has been  
13 attached, appended, affixed, or annexed, any word, figure,  
14 mark, picture, design or drawing or any advertisement of  
15 any nature;

16 (3) exposes to public view, manufactures, sells,  
17 exposes for sale, gives away, or has in possession for sale  
18 or to give away or for use for any purpose, any article or  
19 substance, being an article of merchandise, or a receptacle  
20 of merchandise or article or thing for carrying or  
21 transporting merchandise upon which has been printed,  
22 painted, attached, or otherwise placed a representation of  
23 any such flag, standard, color, or ensign, to advertise,  
24 call attention to, decorate, mark or distinguish the  
25 article or substance on which so placed; or

26 (4) publicly mutilates, defaces, defiles, tramples, or

1 intentionally displays on the ground or floor any such  
2 flag, standard, color or ensign.

3 (c) All prosecutions under this Section shall be brought by  
4 any person in the name of the People of the State of Illinois,  
5 against any person or persons violating any of the provisions  
6 of this Section, before any circuit court. The State's  
7 Attorneys shall see that this Section is enforced in their  
8 respective counties, and shall prosecute all offenders on  
9 receiving information of the violation of this Section.  
10 Sheriffs, deputy sheriffs, and police officers shall inform  
11 against and prosecute all persons whom there is probable cause  
12 to believe are guilty of violating this Section. One-half of  
13 the amount recovered in any penal action under this Section  
14 shall be paid to the person making and filing the complaint in  
15 the action, and the remaining 1/2 to the school fund of the  
16 county in which the conviction is obtained.

17 (d) All prosecutions under this Section shall be commenced  
18 within six months from the time the offense was committed, and  
19 not afterwards.

20 (e) Sentence. A violation of paragraphs (1) through (3) of  
21 subsection (b) is a Class C misdemeanor. A violation of  
22 paragraph (4) of subsection (b) is a Class 4 felony.

23 (720 ILCS 5/49-1.5 new)

24 Sec. 49-1.5. Draft card mutilation.

25 (a) A person commits draft card mutilation when he or she

1 knowingly destroys or mutilates a valid registration  
2 certificate or any other valid certificate issued under the  
3 federal "Military Selective Service Act of 1967".

4 (b) Sentence. Draft card mutilation is a Class 4 felony.

5 (720 ILCS 5/49-2 new)

6 Sec. 49-2. Business use of military terms.

7 (a) It is unlawful for any person, concern, firm or  
8 corporation to use in the name, or description of the name, of  
9 any privately operated mercantile establishment which may or  
10 may not be engaged principally in the buying and selling of  
11 equipment or materials of the Government of the United States  
12 or any of its departments, agencies or military services, the  
13 terms "Army", "Navy", "Marine", "Coast Guard", "Government",  
14 "GI", "PX" or any terms denoting a branch of the government,  
15 either independently or in connection or conjunction with any  
16 other word or words, letter or insignia which import or imply  
17 that the products so described are or were made for the United  
18 States government or in accordance with government  
19 specifications or requirements, or of government materials, or  
20 that these products have been disposed of by the United States  
21 government as surplus or rejected stock.

22 (b) Sentence. A violation of this Section is a petty  
23 offense with a fine of not less than \$25.00 nor more than \$500  
24 for the first conviction, and not less than \$500 or more than  
25 \$1000 for each subsequent conviction.

1 (720 ILCS 5/49-3 new)

2 Sec. 49-3. Governmental uneconomic practices.

3 (a) It is unlawful for the State of Illinois, any political  
4 subdivision thereof, or any municipality therein, or any  
5 officer, agent or employee of the State of Illinois, any  
6 political subdivision thereof or any municipality therein, to  
7 sell to or procure for sale or have in its or his or her  
8 possession or under its or his or her control for sale to any  
9 officer, agent or employee of the State or any political  
10 subdivision thereof or municipality therein any article,  
11 material, product or merchandise of whatsoever nature,  
12 excepting meals, public services and such specialized  
13 appliances and paraphernalia as may be required for the safety  
14 or health of such officers, agents or employees.

15 (b) The provisions of this Section shall not apply to the  
16 State, any political subdivision thereof or municipality  
17 therein, nor to any officer, agent or employee of the State, or  
18 of any such subdivision or municipality while engaged in any  
19 recreational, health, welfare, relief, safety or educational  
20 activities furnished by the State, or any such political  
21 subdivision or municipality.

22 (c) Sentence. A violation of this Section is a Class B  
23 misdemeanor.

24 (720 ILCS 5/49-4 new)

1       Sec. 49-4. Sale of maps.

2       (a) The sale of current Illinois publications or highway  
3 maps published by the Secretary of State is prohibited except  
4 where provided by law.

5       (b) Sentence. A violation of this Section is a Class B  
6 misdemeanor.

7       (720 ILCS 5/49-5 new)

8       Sec. 49-5. Video movie sales and rentals rating violation.

9       (a) Definitions. As used in this Section, unless the  
10 context otherwise requires:

11       "Person" means an individual, corporation,  
12 partnership, or any other legal or commercial entity.

13       "Official rating" means an official rating of the  
14 Motion Picture Association of America.

15       "Video movie" means a videotape or video disc copy of a  
16 motion picture film.

17       (b) A person may not sell at retail or rent, or attempt to  
18 sell at retail or rent, a video movie in this State unless the  
19 official rating of the motion picture from which it is copied  
20 is clearly displayed on the outside of any cassette, case,  
21 jacket, or other covering of the video movie.

22       (c) This Section does not apply to any video movie of a  
23 motion picture which:

24       (1) has not been given an official rating; or

25       (2) has been altered in any way subsequent to receiving

1       an official rating.

2       (d) Sentence. A violation of this Section is a Class C  
3 misdemeanor.

4       (720 ILCS 5/49-6 new)

5       Sec. 49-6. Container label obliteration prohibited.

6       (a) No person shall sell or offer for sale any product,  
7 article or substance in a container on which any statement of  
8 weight, quantity, quality, grade, ingredients or  
9 identification of the manufacturer, supplier or processor is  
10 obliterated by any other labeling unless the other labeling  
11 correctly restates the obliterated statement.

12       (b) This Section does not apply to any obliteration which  
13 is done in order to comply with subsection (c) of this Section.

14       (c) No person shall utilize any used container for the  
15 purpose of sale of any product, article or substance unless the  
16 original marks of identification, weight, grade, quality and  
17 quantity have first been obliterated.

18       (d) This Section shall not be construed as permitting the  
19 use of any containers or labels in a manner prohibited by any  
20 other law.

21       (e) Sentence. A violation of this Section is a business  
22 offense for which a fine shall be imposed not to exceed \$1,000.

23       (720 ILCS 5/18-5 rep.)

24       (720 ILCS 5/20-1.2 rep.)

1 (720 ILCS 5/20-1.3 rep.)

2 (720 ILCS 5/21-1.1 rep.)

3 (720 ILCS 5/Art. 21.3 rep.)

4 (720 ILCS 5/Art. 24.6 rep.)

5 Section 10-10. The Criminal Code of 1961 is amended by  
6 repealing Articles 21.3 and 24.6, and Sections 18-5, 20-1.2,  
7 20-1.3, and 21-1.1.

8 ARTICLE 15.

9 Section 15-1. The Department of Natural Resources  
10 (Conservation) Law is amended by changing Section 805-540 as  
11 follows:

12 (20 ILCS 805/805-540) (was 20 ILCS 805/63b2.6)

13 Sec. 805-540. Enforcement of adjoining state's laws. The  
14 Director may grant authority to the officers of any adjoining  
15 state who are authorized and directed to enforce the laws of  
16 that state relating to the protection of flora and fauna to  
17 take any of the following actions and have the following powers  
18 within the State of Illinois:

19 (1) To follow, seize, and return to the adjoining state  
20 any flora or fauna or part thereof shipped or taken from  
21 the adjoining state in violation of the laws of that state  
22 and brought into this State.

23 (2) To dispose of any such flora or fauna or part

1           thereof under the supervision of an Illinois Conservation  
2           Police Officer.

3           (3) To enforce as an agent of this State, with the same  
4           powers as an Illinois Conservation Police Officer, each of  
5           the following laws of this State:

6                   (i) The Illinois Endangered Species Protection  
7           Act.

8                   (ii) The Fish and Aquatic Life Code.

9                   (iii) The Wildlife Code.

10                   (iv) The Wildlife Habitat Management Areas Act.

11                   (v) Section 48-3 of the Criminal Code of 1961  
12           (hunter or fisherman interference) ~~The Hunter and~~  
13           ~~Fishermen Interference Prohibition Act.~~

14                   (vi) The Illinois Non-Game Wildlife Protection  
15           Act.

16                   (vii) The Ginseng Harvesting Act.

17                   (viii) The State Forest Act.

18                   (ix) The Forest Products Transportation Act.

19                   (x) The Timber Buyers Licensing Act.

20           Any officer of an adjoining state acting under a power or  
21           authority granted by the Director pursuant to this Section  
22           shall act without compensation or other benefits from this  
23           State and without this State having any liability for the acts  
24           or omissions of that officer.

25           (Source: P.A. 96-397, eff. 1-1-10.)

1           Section 15-3. The Criminal Identification Act is amended by  
2 changing Section 5.2 as follows:

3           (20 ILCS 2630/5.2)

4           Sec. 5.2. Expungement and sealing.

5           (a) General Provisions.

6           (1) Definitions. In this Act, words and phrases have  
7 the meanings set forth in this subsection, except when a  
8 particular context clearly requires a different meaning.

9           (A) The following terms shall have the meanings  
10 ascribed to them in the Unified Code of Corrections,  
11 730 ILCS 5/5-1-2 through 5/5-1-22:

12                   (i) Business Offense (730 ILCS 5/5-1-2),

13                   (ii) Charge (730 ILCS 5/5-1-3),

14                   (iii) Court (730 ILCS 5/5-1-6),

15                   (iv) Defendant (730 ILCS 5/5-1-7),

16                   (v) Felony (730 ILCS 5/5-1-9),

17                   (vi) Imprisonment (730 ILCS 5/5-1-10),

18                   (vii) Judgment (730 ILCS 5/5-1-12),

19                   (viii) Misdemeanor (730 ILCS 5/5-1-14),

20                   (ix) Offense (730 ILCS 5/5-1-15),

21                   (x) Parole (730 ILCS 5/5-1-16),

22                   (xi) Petty Offense (730 ILCS 5/5-1-17),

23                   (xii) Probation (730 ILCS 5/5-1-18),

24                   (xiii) Sentence (730 ILCS 5/5-1-19),

25                   (xiv) Supervision (730 ILCS 5/5-1-21), and

1 (xv) Victim (730 ILCS 5/5-1-22).

2 (B) As used in this Section, "charge not initiated  
3 by arrest" means a charge (as defined by 730 ILCS  
4 5/5-1-3) brought against a defendant where the  
5 defendant is not arrested prior to or as a direct  
6 result of the charge.

7 (C) "Conviction" means a judgment of conviction or  
8 sentence entered upon a plea of guilty or upon a  
9 verdict or finding of guilty of an offense, rendered by  
10 a legally constituted jury or by a court of competent  
11 jurisdiction authorized to try the case without a jury.  
12 An order of supervision successfully completed by the  
13 petitioner is not a conviction. An order of qualified  
14 probation (as defined in subsection (a)(1)(J))  
15 successfully completed by the petitioner is not a  
16 conviction. An order of supervision or an order of  
17 qualified probation that is terminated  
18 unsatisfactorily is a conviction, unless the  
19 unsatisfactory termination is reversed, vacated, or  
20 modified and the judgment of conviction, if any, is  
21 reversed or vacated.

22 (D) "Criminal offense" means a petty offense,  
23 business offense, misdemeanor, felony, or municipal  
24 ordinance violation (as defined in subsection  
25 (a)(1)(H)). As used in this Section, a minor traffic  
26 offense (as defined in subsection (a)(1)(G)) shall not

1 be considered a criminal offense.

2 (E) "Expunge" means to physically destroy the  
3 records or return them to the petitioner and to  
4 obliterate the petitioner's name from any official  
5 index or public record, or both. Nothing in this Act  
6 shall require the physical destruction of the circuit  
7 court file, but such records relating to arrests or  
8 charges, or both, ordered expunged shall be impounded  
9 as required by subsections (d)(9)(A)(ii) and  
10 (d)(9)(B)(ii).

11 (F) As used in this Section, "last sentence" means  
12 the sentence, order of supervision, or order of  
13 qualified probation (as defined by subsection  
14 (a)(1)(J)), for a criminal offense (as defined by  
15 subsection (a)(1)(D)) that terminates last in time in  
16 any jurisdiction, regardless of whether the petitioner  
17 has included the criminal offense for which the  
18 sentence or order of supervision or qualified  
19 probation was imposed in his or her petition. If  
20 multiple sentences, orders of supervision, or orders  
21 of qualified probation terminate on the same day and  
22 are last in time, they shall be collectively considered  
23 the "last sentence" regardless of whether they were  
24 ordered to run concurrently.

25 (G) "Minor traffic offense" means a petty offense,  
26 business offense, or Class C misdemeanor under the

1 Illinois Vehicle Code or a similar provision of a  
2 municipal or local ordinance.

3 (H) "Municipal ordinance violation" means an  
4 offense defined by a municipal or local ordinance that  
5 is criminal in nature and with which the petitioner was  
6 charged or for which the petitioner was arrested and  
7 released without charging.

8 (I) "Petitioner" means an adult or a minor  
9 prosecuted as an adult who has applied for relief under  
10 this Section.

11 (J) "Qualified probation" means an order of  
12 probation under Section 10 of the Cannabis Control Act,  
13 Section 410 of the Illinois Controlled Substances Act,  
14 Section 70 of the Methamphetamine Control and  
15 Community Protection Act, Section 12-4.3(b)(1) and (2)  
16 of the Criminal Code of 1961 (as those provisions  
17 existed before their deletion by Public Act 89-313),  
18 Section 10-102 of the Illinois Alcoholism and Other  
19 Drug Dependency Act, Section 40-10 of the Alcoholism  
20 and Other Drug Abuse and Dependency Act, or Section 10  
21 of the Steroid Control Act. For the purpose of this  
22 Section, "successful completion" of an order of  
23 qualified probation under Section 10-102 of the  
24 Illinois Alcoholism and Other Drug Dependency Act and  
25 Section 40-10 of the Alcoholism and Other Drug Abuse  
26 and Dependency Act means that the probation was

1 terminated satisfactorily and the judgment of  
2 conviction was vacated.

3 (K) "Seal" means to physically and electronically  
4 maintain the records, unless the records would  
5 otherwise be destroyed due to age, but to make the  
6 records unavailable without a court order, subject to  
7 the exceptions in Sections 12 and 13 of this Act. The  
8 petitioner's name shall also be obliterated from the  
9 official index required to be kept by the circuit court  
10 clerk under Section 16 of the Clerks of Courts Act, but  
11 any index issued by the circuit court clerk before the  
12 entry of the order to seal shall not be affected.

13 (L) "Sexual offense committed against a minor"  
14 includes but is not limited to the offenses of indecent  
15 solicitation of a child or criminal sexual abuse when  
16 the victim of such offense is under 18 years of age.

17 (M) "Terminate" as it relates to a sentence or  
18 order of supervision or qualified probation includes  
19 either satisfactory or unsatisfactory termination of  
20 the sentence, unless otherwise specified in this  
21 Section.

22 (2) Minor Traffic Offenses. Orders of supervision or  
23 convictions for minor traffic offenses shall not affect a  
24 petitioner's eligibility to expunge or seal records  
25 pursuant to this Section.

26 (3) Exclusions. Except as otherwise provided in

1 subsections (b) (5), (b) (6), and (e) of this Section, the  
2 court shall not order:

3 (A) the sealing or expungement of the records of  
4 arrests or charges not initiated by arrest that result  
5 in an order of supervision for or conviction of: (i)  
6 any sexual offense committed against a minor; (ii)  
7 Section 11-501 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance; or (iii)  
9 Section 11-503 of the Illinois Vehicle Code or a  
10 similar provision of a local ordinance.

11 (B) the sealing or expungement of records of minor  
12 traffic offenses (as defined in subsection (a) (1) (G)),  
13 unless the petitioner was arrested and released  
14 without charging.

15 (C) the sealing of the records of arrests or  
16 charges not initiated by arrest which result in an  
17 order of supervision, an order of qualified probation  
18 (as defined in subsection (a) (1) (J)), or a conviction  
19 for the following offenses:

20 (i) offenses included in Article 11 of the  
21 Criminal Code of 1961 or a similar provision of a  
22 local ordinance, except Section 11-14 of the  
23 Criminal Code of 1961 or a similar provision of a  
24 local ordinance;

25 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, ~~or~~  
26 26-5, or 48-1 of the Criminal Code of 1961 or a

1 similar provision of a local ordinance;

2 (iii) offenses defined as "crimes of violence"  
3 in Section 2 of the Crime Victims Compensation Act  
4 or a similar provision of a local ordinance;

5 (iv) offenses which are Class A misdemeanors  
6 under the Humane Care for Animals Act; or

7 (v) any offense or attempted offense that  
8 would subject a person to registration under the  
9 Sex Offender Registration Act.

10 (D) the sealing of the records of an arrest which  
11 results in the petitioner being charged with a felony  
12 offense or records of a charge not initiated by arrest  
13 for a felony offense unless:

14 (i) the charge is amended to a misdemeanor and  
15 is otherwise eligible to be sealed pursuant to  
16 subsection (c);

17 (ii) the charge is brought along with another  
18 charge as a part of one case and the charge results  
19 in acquittal, dismissal, or conviction when the  
20 conviction was reversed or vacated, and another  
21 charge brought in the same case results in a  
22 disposition for a misdemeanor offense that is  
23 eligible to be sealed pursuant to subsection (c) or  
24 a disposition listed in paragraph (i), (iii), or  
25 (iv) of this subsection;

26 (iii) the charge results in first offender

1                   probation as set forth in subsection (c) (2) (E);

2                   (iv) the charge is for a Class 4 felony offense  
3                   listed in subsection (c) (2) (F) or the charge is  
4                   amended to a Class 4 felony offense listed in  
5                   subsection (c) (2) (F). Records of arrests which  
6                   result in the petitioner being charged with a Class  
7                   4 felony offense listed in subsection (c) (2) (F),  
8                   records of charges not initiated by arrest for  
9                   Class 4 felony offenses listed in subsection  
10                  (c) (2) (F), and records of charges amended to a  
11                  Class 4 felony offense listed in (c) (2) (F) may be  
12                  sealed, regardless of the disposition, subject to  
13                  any waiting periods set forth in subsection  
14                  (c) (3);

15                  (v) the charge results in acquittal,  
16                  dismissal, or the petitioner's release without  
17                  conviction; or

18                  (vi) the charge results in a conviction, but  
19                  the conviction was reversed or vacated.

20                  (b) Expungement.

21                  (1) A petitioner may petition the circuit court to  
22                  expunge the records of his or her arrests and charges not  
23                  initiated by arrest when:

24                          (A) He or she has never been convicted of a  
25                          criminal offense; and

26                          (B) Each arrest or charge not initiated by arrest

1 sought to be expunged resulted in: (i) acquittal,  
2 dismissal, or the petitioner's release without  
3 charging, unless excluded by subsection (a)(3)(B);  
4 (ii) a conviction which was vacated or reversed, unless  
5 excluded by subsection (a)(3)(B); (iii) an order of  
6 supervision and such supervision was successfully  
7 completed by the petitioner, unless excluded by  
8 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of  
9 qualified probation (as defined in subsection  
10 (a)(1)(J)) and such probation was successfully  
11 completed by the petitioner.

12 (2) Time frame for filing a petition to expunge.

13 (A) When the arrest or charge not initiated by  
14 arrest sought to be expunged resulted in an acquittal,  
15 dismissal, the petitioner's release without charging,  
16 or the reversal or vacation of a conviction, there is  
17 no waiting period to petition for the expungement of  
18 such records.

19 (B) When the arrest or charge not initiated by  
20 arrest sought to be expunged resulted in an order of  
21 supervision, successfully completed by the petitioner,  
22 the following time frames will apply:

23 (i) Those arrests or charges that resulted in  
24 orders of supervision under Section 3-707, 3-708,  
25 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
26 similar provision of a local ordinance, or under

1 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
2 Code of 1961 or a similar provision of a local  
3 ordinance, shall not be eligible for expungement  
4 until 5 years have passed following the  
5 satisfactory termination of the supervision.

6 (ii) Those arrests or charges that resulted in  
7 orders of supervision for any other offenses shall  
8 not be eligible for expungement until 2 years have  
9 passed following the satisfactory termination of  
10 the supervision.

11 (C) When the arrest or charge not initiated by  
12 arrest sought to be expunged resulted in an order of  
13 qualified probation, successfully completed by the  
14 petitioner, such records shall not be eligible for  
15 expungement until 5 years have passed following the  
16 satisfactory termination of the probation.

17 (3) Those records maintained by the Department for  
18 persons arrested prior to their 17th birthday shall be  
19 expunged as provided in Section 5-915 of the Juvenile Court  
20 Act of 1987.

21 (4) Whenever a person has been arrested for or  
22 convicted of any offense, in the name of a person whose  
23 identity he or she has stolen or otherwise come into  
24 possession of, the aggrieved person from whom the identity  
25 was stolen or otherwise obtained without authorization,  
26 upon learning of the person having been arrested using his

1 or her identity, may, upon verified petition to the chief  
2 judge of the circuit wherein the arrest was made, have a  
3 court order entered nunc pro tunc by the Chief Judge to  
4 correct the arrest record, conviction record, if any, and  
5 all official records of the arresting authority, the  
6 Department, other criminal justice agencies, the  
7 prosecutor, and the trial court concerning such arrest, if  
8 any, by removing his or her name from all such records in  
9 connection with the arrest and conviction, if any, and by  
10 inserting in the records the name of the offender, if known  
11 or ascertainable, in lieu of the aggrieved's name. The  
12 records of the circuit court clerk shall be sealed until  
13 further order of the court upon good cause shown and the  
14 name of the aggrieved person obliterated on the official  
15 index required to be kept by the circuit court clerk under  
16 Section 16 of the Clerks of Courts Act, but the order shall  
17 not affect any index issued by the circuit court clerk  
18 before the entry of the order. Nothing in this Section  
19 shall limit the Department of State Police or other  
20 criminal justice agencies or prosecutors from listing  
21 under an offender's name the false names he or she has  
22 used.

23 (5) Whenever a person has been convicted of criminal  
24 sexual assault, aggravated criminal sexual assault,  
25 predatory criminal sexual assault of a child, criminal  
26 sexual abuse, or aggravated criminal sexual abuse, the

1 victim of that offense may request that the State's  
2 Attorney of the county in which the conviction occurred  
3 file a verified petition with the presiding trial judge at  
4 the petitioner's trial to have a court order entered to  
5 seal the records of the circuit court clerk in connection  
6 with the proceedings of the trial court concerning that  
7 offense. However, the records of the arresting authority  
8 and the Department of State Police concerning the offense  
9 shall not be sealed. The court, upon good cause shown,  
10 shall make the records of the circuit court clerk in  
11 connection with the proceedings of the trial court  
12 concerning the offense available for public inspection.

13 (6) If a conviction has been set aside on direct review  
14 or on collateral attack and the court determines by clear  
15 and convincing evidence that the petitioner was factually  
16 innocent of the charge, the court shall enter an  
17 expungement order as provided in subsection (b) of Section  
18 5-5-4 of the Unified Code of Corrections.

19 (7) Nothing in this Section shall prevent the  
20 Department of State Police from maintaining all records of  
21 any person who is admitted to probation upon terms and  
22 conditions and who fulfills those terms and conditions  
23 pursuant to Section 10 of the Cannabis Control Act, Section  
24 410 of the Illinois Controlled Substances Act, Section 70  
25 of the Methamphetamine Control and Community Protection  
26 Act, Section 12-4.3 or subdivision (b)(1) of Section

1 12-3.05 of the Criminal Code of 1961, Section 10-102 of the  
2 Illinois Alcoholism and Other Drug Dependency Act, Section  
3 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
4 Act, or Section 10 of the Steroid Control Act.

5 (c) Sealing.

6 (1) Applicability. Notwithstanding any other provision  
7 of this Act to the contrary, and cumulative with any rights  
8 to expungement of criminal records, this subsection  
9 authorizes the sealing of criminal records of adults and of  
10 minors prosecuted as adults.

11 (2) Eligible Records. The following records may be  
12 sealed:

13 (A) All arrests resulting in release without  
14 charging;

15 (B) Arrests or charges not initiated by arrest  
16 resulting in acquittal, dismissal, or conviction when  
17 the conviction was reversed or vacated, except as  
18 excluded by subsection (a) (3) (B);

19 (C) Arrests or charges not initiated by arrest  
20 resulting in orders of supervision successfully  
21 completed by the petitioner, unless excluded by  
22 subsection (a) (3);

23 (D) Arrests or charges not initiated by arrest  
24 resulting in convictions unless excluded by subsection  
25 (a) (3);

26 (E) Arrests or charges not initiated by arrest

1 resulting in orders of first offender probation under  
2 Section 10 of the Cannabis Control Act, Section 410 of  
3 the Illinois Controlled Substances Act, or Section 70  
4 of the Methamphetamine Control and Community  
5 Protection Act; and

6 (F) Arrests or charges not initiated by arrest  
7 resulting in Class 4 felony convictions for the  
8 following offenses:

9 (i) Section 11-14 of the Criminal Code of 1961;

10 (ii) Section 4 of the Cannabis Control Act;

11 (iii) Section 402 of the Illinois Controlled  
12 Substances Act;

13 (iv) the Methamphetamine Precursor Control  
14 Act; and

15 (v) the Steroid Control Act.

16 (3) When Records Are Eligible to Be Sealed. Records  
17 identified as eligible under subsection (c)(2) may be  
18 sealed as follows:

19 (A) Records identified as eligible under  
20 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
21 time.

22 (B) Records identified as eligible under  
23 subsection (c)(2)(C) may be sealed (i) 3 years after  
24 the termination of petitioner's last sentence (as  
25 defined in subsection (a)(1)(F)) if the petitioner has  
26 never been convicted of a criminal offense (as defined

1 in subsection (a)(1)(D)); or (ii) 4 years after the  
2 termination of the petitioner's last sentence (as  
3 defined in subsection (a)(1)(F)) if the petitioner has  
4 ever been convicted of a criminal offense (as defined  
5 in subsection (a)(1)(D)).

6 (C) Records identified as eligible under  
7 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be  
8 sealed 4 years after the termination of the  
9 petitioner's last sentence (as defined in subsection  
10 (a)(1)(F)).

11 (4) Subsequent felony convictions. A person may not  
12 have subsequent felony conviction records sealed as  
13 provided in this subsection (c) if he or she is convicted  
14 of any felony offense after the date of the sealing of  
15 prior felony convictions as provided in this subsection  
16 (c). The court may, upon conviction for a subsequent felony  
17 offense, order the unsealing of prior felony conviction  
18 records previously ordered sealed by the court.

19 (5) Notice of eligibility for sealing. Upon entry of a  
20 disposition for an eligible record under this subsection  
21 (c), the petitioner shall be informed by the court of the  
22 right to have the records sealed and the procedures for the  
23 sealing of the records.

24 (d) Procedure. The following procedures apply to  
25 expungement under subsections (b) and (e), and sealing under  
26 subsection (c):

1           (1) Filing the petition. Upon becoming eligible to  
2 petition for the expungement or sealing of records under  
3 this Section, the petitioner shall file a petition  
4 requesting the expungement or sealing of records with the  
5 clerk of the court where the arrests occurred or the  
6 charges were brought, or both. If arrests occurred or  
7 charges were brought in multiple jurisdictions, a petition  
8 must be filed in each such jurisdiction. The petitioner  
9 shall pay the applicable fee, if not waived.

10           (2) Contents of petition. The petition shall be  
11 verified and shall contain the petitioner's name, date of  
12 birth, current address and, for each arrest or charge not  
13 initiated by arrest sought to be sealed or expunged, the  
14 case number, the date of arrest (if any), the identity of  
15 the arresting authority, and such other information as the  
16 court may require. During the pendency of the proceeding,  
17 the petitioner shall promptly notify the circuit court  
18 clerk of any change of his or her address.

19           (3) Drug test. The petitioner must attach to the  
20 petition proof that the petitioner has passed a test taken  
21 within 30 days before the filing of the petition showing  
22 the absence within his or her body of all illegal  
23 substances as defined by the Illinois Controlled  
24 Substances Act, the Methamphetamine Control and Community  
25 Protection Act, and the Cannabis Control Act if he or she  
26 is petitioning to seal felony records pursuant to clause

1 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is  
2 petitioning to expunge felony records of a qualified  
3 probation pursuant to clause (b) (1) (B) (iv).

4 (4) Service of petition. The circuit court clerk shall  
5 promptly serve a copy of the petition on the State's  
6 Attorney or prosecutor charged with the duty of prosecuting  
7 the offense, the Department of State Police, the arresting  
8 agency and the chief legal officer of the unit of local  
9 government effecting the arrest.

10 (5) Objections.

11 (A) Any party entitled to notice of the petition  
12 may file an objection to the petition. All objections  
13 shall be in writing, shall be filed with the circuit  
14 court clerk, and shall state with specificity the basis  
15 of the objection.

16 (B) Objections to a petition to expunge or seal  
17 must be filed within 60 days of the date of service of  
18 the petition.

19 (6) Entry of order.

20 (A) The Chief Judge of the circuit wherein the  
21 charge was brought, any judge of that circuit  
22 designated by the Chief Judge, or in counties of less  
23 than 3,000,000 inhabitants, the presiding trial judge  
24 at the petitioner's trial, if any, shall rule on the  
25 petition to expunge or seal as set forth in this  
26 subsection (d) (6).

1           (B) Unless the State's Attorney or prosecutor, the  
2           Department of State Police, the arresting agency, or  
3           the chief legal officer files an objection to the  
4           petition to expunge or seal within 60 days from the  
5           date of service of the petition, the court shall enter  
6           an order granting or denying the petition.

7           (7) Hearings. If an objection is filed, the court shall  
8           set a date for a hearing and notify the petitioner and all  
9           parties entitled to notice of the petition of the hearing  
10          date at least 30 days prior to the hearing, and shall hear  
11          evidence on whether the petition should or should not be  
12          granted, and shall grant or deny the petition to expunge or  
13          seal the records based on the evidence presented at the  
14          hearing.

15          (8) Service of order. After entering an order to  
16          expunge or seal records, the court must provide copies of  
17          the order to the Department, in a form and manner  
18          prescribed by the Department, to the petitioner, to the  
19          State's Attorney or prosecutor charged with the duty of  
20          prosecuting the offense, to the arresting agency, to the  
21          chief legal officer of the unit of local government  
22          effecting the arrest, and to such other criminal justice  
23          agencies as may be ordered by the court.

24          (9) Effect of order.

25                 (A) Upon entry of an order to expunge records  
26                 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

1           (i) the records shall be expunged (as defined  
2           in subsection (a) (1) (E)) by the arresting agency,  
3           the Department, and any other agency as ordered by  
4           the court, within 60 days of the date of service of  
5           the order, unless a motion to vacate, modify, or  
6           reconsider the order is filed pursuant to  
7           paragraph (12) of subsection (d) of this Section;

8           (ii) the records of the circuit court clerk  
9           shall be impounded until further order of the court  
10          upon good cause shown and the name of the  
11          petitioner obliterated on the official index  
12          required to be kept by the circuit court clerk  
13          under Section 16 of the Clerks of Courts Act, but  
14          the order shall not affect any index issued by the  
15          circuit court clerk before the entry of the order;  
16          and

17          (iii) in response to an inquiry for expunged  
18          records, the court, the Department, or the agency  
19          receiving such inquiry, shall reply as it does in  
20          response to inquiries when no records ever  
21          existed.

22          (B) Upon entry of an order to expunge records  
23          pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

24               (i) the records shall be expunged (as defined  
25               in subsection (a) (1) (E)) by the arresting agency  
26               and any other agency as ordered by the court,

1           within 60 days of the date of service of the order,  
2           unless a motion to vacate, modify, or reconsider  
3           the order is filed pursuant to paragraph (12) of  
4           subsection (d) of this Section;

5           (ii) the records of the circuit court clerk  
6           shall be impounded until further order of the court  
7           upon good cause shown and the name of the  
8           petitioner obliterated on the official index  
9           required to be kept by the circuit court clerk  
10          under Section 16 of the Clerks of Courts Act, but  
11          the order shall not affect any index issued by the  
12          circuit court clerk before the entry of the order;

13          (iii) the records shall be impounded by the  
14          Department within 60 days of the date of service of  
15          the order as ordered by the court, unless a motion  
16          to vacate, modify, or reconsider the order is filed  
17          pursuant to paragraph (12) of subsection (d) of  
18          this Section;

19          (iv) records impounded by the Department may  
20          be disseminated by the Department only as required  
21          by law or to the arresting authority, the State's  
22          Attorney, and the court upon a later arrest for the  
23          same or a similar offense or for the purpose of  
24          sentencing for any subsequent felony, and to the  
25          Department of Corrections upon conviction for any  
26          offense; and

1           (v) in response to an inquiry for such records  
2           from anyone not authorized by law to access such  
3           records the court, the Department, or the agency  
4           receiving such inquiry shall reply as it does in  
5           response to inquiries when no records ever  
6           existed.

7           (C) Upon entry of an order to seal records under  
8           subsection (c), the arresting agency, any other agency  
9           as ordered by the court, the Department, and the court  
10          shall seal the records (as defined in subsection  
11          (a)(1)(K)). In response to an inquiry for such records  
12          from anyone not authorized by law to access such  
13          records the court, the Department, or the agency  
14          receiving such inquiry shall reply as it does in  
15          response to inquiries when no records ever existed.

16          (10) Fees. The Department may charge the petitioner a  
17          fee equivalent to the cost of processing any order to  
18          expunge or seal records. Notwithstanding any provision of  
19          the Clerks of Courts Act to the contrary, the circuit court  
20          clerk may charge a fee equivalent to the cost associated  
21          with the sealing or expungement of records by the circuit  
22          court clerk. From the total filing fee collected for the  
23          petition to seal or expunge, the circuit court clerk shall  
24          deposit \$10 into the Circuit Court Clerk Operation and  
25          Administrative Fund, to be used to offset the costs  
26          incurred by the circuit court clerk in performing the

1 additional duties required to serve the petition to seal or  
2 expunge on all parties. The circuit court clerk shall  
3 collect and forward the Department of State Police portion  
4 of the fee to the Department and it shall be deposited in  
5 the State Police Services Fund.

6 (11) Final Order. No court order issued under the  
7 expungement or sealing provisions of this Section shall  
8 become final for purposes of appeal until 30 days after  
9 service of the order on the petitioner and all parties  
10 entitled to notice of the petition.

11 (12) Motion to Vacate, Modify, or Reconsider. The  
12 petitioner or any party entitled to notice may file a  
13 motion to vacate, modify, or reconsider the order granting  
14 or denying the petition to expunge or seal within 60 days  
15 of service of the order.

16 (e) Whenever a person who has been convicted of an offense  
17 is granted a pardon by the Governor which specifically  
18 authorizes expungement, he or she may, upon verified petition  
19 to the Chief Judge of the circuit where the person had been  
20 convicted, any judge of the circuit designated by the Chief  
21 Judge, or in counties of less than 3,000,000 inhabitants, the  
22 presiding trial judge at the defendant's trial, have a court  
23 order entered expunging the record of arrest from the official  
24 records of the arresting authority and order that the records  
25 of the circuit court clerk and the Department be sealed until  
26 further order of the court upon good cause shown or as

1 otherwise provided herein, and the name of the defendant  
2 obliterated from the official index requested to be kept by the  
3 circuit court clerk under Section 16 of the Clerks of Courts  
4 Act in connection with the arrest and conviction for the  
5 offense for which he or she had been pardoned but the order  
6 shall not affect any index issued by the circuit court clerk  
7 before the entry of the order. All records sealed by the  
8 Department may be disseminated by the Department only as  
9 required by law or to the arresting authority, the State's  
10 Attorney, and the court upon a later arrest for the same or  
11 similar offense or for the purpose of sentencing for any  
12 subsequent felony. Upon conviction for any subsequent offense,  
13 the Department of Corrections shall have access to all sealed  
14 records of the Department pertaining to that individual. Upon  
15 entry of the order of expungement, the circuit court clerk  
16 shall promptly mail a copy of the order to the person who was  
17 pardoned.

18 (f) Subject to available funding, the Illinois Department  
19 of Corrections shall conduct a study of the impact of sealing,  
20 especially on employment and recidivism rates, utilizing a  
21 random sample of those who apply for the sealing of their  
22 criminal records under Public Act 93-211. At the request of the  
23 Illinois Department of Corrections, records of the Illinois  
24 Department of Employment Security shall be utilized as  
25 appropriate to assist in the study. The study shall not  
26 disclose any data in a manner that would allow the

1 identification of any particular individual or employing unit.  
2 The study shall be made available to the General Assembly no  
3 later than September 1, 2010.

4 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;  
5 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.  
6 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,  
7 eff. 8-19-11; revised 9-6-11.)

8 Section 15-5. The Metropolitan Transit Authority Act is  
9 amended by changing Section 28b as follows:

10 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

11 Sec. 28b. Any person applying for a position as a driver of  
12 a vehicle owned by a private carrier company which provides  
13 public transportation pursuant to an agreement with the  
14 Authority shall be required to authorize an investigation by  
15 the private carrier company to determine if the applicant has  
16 been convicted of any of the following offenses: (i) those  
17 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
18 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
19 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
20 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
21 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,  
22 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
23 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,  
24 and 33A-2, in subsection (a) and subsection (b), clause (1), of

1 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of  
2 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of  
3 the Criminal Code of 1961; (ii) those offenses defined in the  
4 Cannabis Control Act except those offenses defined in  
5 subsections (a) and (b) of Section 4, and subsection (a) of  
6 Section 5 of the Cannabis Control Act (iii) those offenses  
7 defined in the Illinois Controlled Substances Act; (iv) those  
8 offenses defined in the Methamphetamine Control and Community  
9 Protection Act; and (v) any offense committed or attempted in  
10 any other state or against the laws of the United States, which  
11 if committed or attempted in this State would be punishable as  
12 one or more of the foregoing offenses. Upon receipt of this  
13 authorization, the private carrier company shall submit the  
14 applicant's name, sex, race, date of birth, fingerprints and  
15 social security number to the Department of State Police on  
16 forms prescribed by the Department. The Department of State  
17 Police shall conduct an investigation to ascertain if the  
18 applicant has been convicted of any of the above enumerated  
19 offenses. The Department shall charge the private carrier  
20 company a fee for conducting the investigation, which fee shall  
21 be deposited in the State Police Services Fund and shall not  
22 exceed the cost of the inquiry; and the applicant shall not be  
23 charged a fee for such investigation by the private carrier  
24 company. The Department of State Police shall furnish, pursuant  
25 to positive identification, records of convictions, until  
26 expunged, to the private carrier company which requested the

1 investigation. A copy of the record of convictions obtained  
2 from the Department shall be provided to the applicant. Any  
3 record of conviction received by the private carrier company  
4 shall be confidential. Any person who releases any confidential  
5 information concerning any criminal convictions of an  
6 applicant shall be guilty of a Class A misdemeanor, unless  
7 authorized by this Section.

8 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;  
9 96-1551, Article 2, Section 960, eff. 7-1-11; revised 9-30-11.)

10 Section 15-6. The Public Utilities Act is amended by  
11 changing Section 22-501 as follows:

12 (220 ILCS 5/22-501)

13 Sec. 22-501. Customer service and privacy protection. All  
14 cable or video providers in this State shall comply with the  
15 following customer service requirements and privacy  
16 protections. The provisions of this Act shall not apply to an  
17 incumbent cable operator prior to January 1, 2008. For purposes  
18 of this paragraph, an incumbent cable operator means a person  
19 or entity that provided cable services in a particular area  
20 under a franchise agreement with a local unit of government  
21 pursuant to Section 11-42-11 of the Illinois Municipal Code or  
22 Section 5-1095 of the Counties Code on January 1, 2007. A  
23 master antenna television, satellite master antenna  
24 television, direct broadcast satellite, multipoint

1 distribution service, and other provider of video programming  
2 shall only be subject to the provisions of this Article to the  
3 extent permitted by federal law.

4 The following definitions apply to the terms used in this  
5 Article:

6 "Basic cable or video service" means any service offering  
7 or tier that includes the retransmission of local television  
8 broadcast signals.

9 "Cable or video provider" means any person or entity  
10 providing cable service or video service pursuant to  
11 authorization under (i) the Cable and Video Competition Law of  
12 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;  
13 (iii) Section 5-1095 of the Counties Code; or (iv) a master  
14 antenna television, satellite master antenna television,  
15 direct broadcast satellite, multipoint distribution services,  
16 and other providers of video programming, whatever their  
17 technology. A cable or video provider shall not include a  
18 landlord providing only broadcast video programming to a  
19 single-family home or other residential dwelling consisting of  
20 4 units or less.

21 "Franchise" has the same meaning as found in 47 U.S.C.  
22 522(9).

23 "Local unit of government" means a city, village,  
24 incorporated town, or a county.

25 "Normal business hours" means those hours during which most  
26 similar businesses in the geographic area of the local unit of

1 government are open to serve customers. In all cases, "normal  
2 business hours" must include some evening hours at least one  
3 night per week or some weekend hours.

4 "Normal operating conditions" means those service  
5 conditions that are within the control of cable or video  
6 providers. Those conditions that are not within the control of  
7 cable or video providers include, but are not limited to,  
8 natural disasters, civil disturbances, power outages,  
9 telephone network outages, and severe or unusual weather  
10 conditions. Those conditions that are ordinarily within the  
11 control of cable or video providers include, but are not  
12 limited to, special promotions, pay-per-view events, rate  
13 increases, regular peak or seasonal demand periods, and  
14 maintenance or upgrade of the cable service or video service  
15 network.

16 "Service interruption" means the loss of picture or sound  
17 on one or more cable service or video service on one or more  
18 cable or video channels.

19 "Service line drop" means the point of connection between a  
20 premises and the cable or video network that enables the  
21 premises to receive cable service or video service.

22 (a) General customer service standards:

23 (1) Cable or video providers shall establish general  
24 standards related to customer service, which shall  
25 include, but not be limited to, installation,  
26 disconnection, service and repair obligations; appointment

1 hours and employee ID requirements; customer service  
2 telephone numbers and hours; procedures for billing,  
3 charges, deposits, refunds, and credits; procedures for  
4 termination of service; notice of deletion of programming  
5 service; changes related to transmission of programming;  
6 changes or increases in rates; the use and availability of  
7 parental control or lock-out devices; the use and  
8 availability of an A/B switch if applicable; complaint  
9 procedures and procedures for bill dispute resolution; a  
10 description of the rights and remedies available to  
11 consumers if the cable or video provider does not  
12 materially meet its customer service standards; and  
13 special services for customers with visual, hearing, or  
14 mobility disabilities.

15 (2) Cable or video providers' rates for each level of  
16 service, rules, regulations, and policies related to its  
17 cable service or video service described in paragraph (1)  
18 of this subsection (a) must be made available to the public  
19 and displayed clearly and conspicuously on the cable or  
20 video provider's site on the Internet. If a promotional  
21 price or a price for a specified period of time is offered,  
22 the cable or video provider shall display the price at the  
23 end of the promotional period or specified period of time  
24 clearly and conspicuously with the display of the  
25 promotional price or price for a specified period of time.  
26 The cable or video provider shall provide this information

1           upon request.

2           (3) Cable or video providers shall provide notice  
3           concerning their general customer service standards to all  
4           customers. This notice shall be offered when service is  
5           first activated and annually thereafter. The information  
6           in the notice shall include all of the information  
7           specified in paragraph (1) of this subsection (a), as well  
8           as the following: a listing of services offered by the  
9           cable or video providers, which shall clearly describe  
10          programming for all services and all levels of service; the  
11          rates for all services and levels of service; a telephone  
12          number through which customers may subscribe to, change, or  
13          terminate service, request customer service, or seek  
14          general or billing information; instructions on the use of  
15          the cable or video services; and a description of rights  
16          and remedies that the cable or video providers shall make  
17          available to their customers if they do not materially meet  
18          the general customer service standards described in this  
19          Act.

20          (b) General customer service obligations:

21                 (1) Cable or video providers shall render reasonably  
22                 efficient service, promptly make repairs, and interrupt  
23                 service only as necessary and for good cause, during  
24                 periods of minimum use of the system and for no more than  
25                 24 hours.

26                 (2) All service representatives or any other person who

1 contacts customers or potential customers on behalf of the  
2 cable or video provider shall have a visible identification  
3 card with their name and photograph and shall orally  
4 identify themselves upon first contact with the customer.  
5 Customer service representatives shall orally identify  
6 themselves to callers immediately following the greeting  
7 during each telephone contact with the public.

8 (3) The cable or video providers shall: (i) maintain a  
9 customer service facility within the boundaries of a local  
10 unit of government staffed by customer service  
11 representatives that have the capacity to accept payment,  
12 adjust bills, and respond to repair, installation,  
13 reconnection, disconnection, or other service calls and  
14 distribute or receive converter boxes, remote control  
15 units, digital stereo units, or other equipment related to  
16 the provision of cable or video service; (ii) provide  
17 customers with bill payment facilities through retail,  
18 financial, or other commercial institutions located within  
19 the boundaries of a local unit of government; (iii) provide  
20 an address, toll-free telephone number or electronic  
21 address to accept bill payments and correspondence and  
22 provide secure collection boxes for the receipt of bill  
23 payments and the return of equipment, provided that if a  
24 cable or video provider provides secure collection boxes,  
25 it shall provide a printed receipt when items are  
26 deposited; or (iv) provide an address, toll-free telephone

1 number, or electronic address to accept bill payments and  
2 correspondence and provide a method for customers to return  
3 equipment to the cable or video provider at no cost to the  
4 customer.

5 (4) In each contact with a customer, the service  
6 representatives or any other person who contacts customers  
7 or potential customers on behalf of the cable or video  
8 provider shall state the estimated cost of the service,  
9 repair, or installation orally prior to delivery of the  
10 service or before any work is performed, shall provide the  
11 customer with an oral statement of the total charges before  
12 terminating the telephone call or other contact in which a  
13 service is ordered, whether in-person or over the Internet,  
14 and shall provide a written statement of the total charges  
15 before leaving the location at which the work was  
16 performed. In the event that the cost of service is a  
17 promotional price or is for a limited period of time, the  
18 cost of service at the end of the promotion or limited  
19 period of time shall be disclosed.

20 (5) Cable or video providers shall provide customers a  
21 minimum of 30 days' written notice before increasing rates  
22 or eliminating transmission of programming and shall  
23 submit the notice to the local unit of government in  
24 advance of distribution to customers, provided that the  
25 cable or video provider is not in violation of this  
26 provision if the elimination of transmission of

1 programming was outside the control of the provider, in  
2 which case the provider shall use reasonable efforts to  
3 provide as much notice as possible, and any rate decrease  
4 related to the elimination of transmission of programming  
5 shall be applied to the date of the change.

6 (6) Cable or video providers shall provide clear visual  
7 and audio reception that meets or exceeds applicable  
8 Federal Communications Commission technical standards. If  
9 a customer experiences poor video or audio reception due to  
10 the equipment of the cable or video provider, the cable or  
11 video provider shall promptly repair the problem at its own  
12 expense.

13 (c) Bills, payment, and termination:

14 (1) Cable or video providers shall render monthly bills  
15 that are clear, accurate, and understandable.

16 (2) Every residential customer who pays bills directly  
17 to the cable or video provider shall have at least 28 days  
18 from the date of the bill to pay the listed charges.

19 (3) Customer payments shall be posted promptly. When  
20 the payment is sent by United States mail, payment is  
21 considered paid on the date it is postmarked.

22 (4) Cable or video providers may not terminate  
23 residential service for nonpayment of a bill unless the  
24 cable or video provider furnishes notice of the delinquency  
25 and impending termination at least 21 days prior to the  
26 proposed termination. Notice of proposed termination shall

1 be mailed, postage prepaid, to the customer to whom service  
2 is billed. Notice of proposed termination shall not be  
3 mailed until the 29th day after the date of the bill for  
4 services. Notice of delinquency and impending termination  
5 may be part of a billing statement only if the notice is  
6 presented in a different color than the bill and is  
7 designed to be conspicuous. The cable or video providers  
8 may not assess a late fee prior to the 29th day after the  
9 date of the bill for service.

10 (5) Every notice of impending termination shall  
11 include all of the following: the name and address of  
12 customer; the amount of the delinquency; the date on which  
13 payment is required to avoid termination; and the telephone  
14 number of the cable or video provider's service  
15 representative to make payment arrangements and to provide  
16 additional information about the charges for failure to  
17 return equipment and for reconnection, if any. No customer  
18 may be charged a fee for termination or disconnection of  
19 service, irrespective of whether the customer initiated  
20 termination or disconnection or the cable or video provider  
21 initiated termination or disconnection.

22 (6) Service may only be terminated on days when the  
23 customer is able to reach a service representative of the  
24 cable or video providers, either in person or by telephone.

25 (7) Any service terminated by a cable or video provider  
26 without good cause shall be restored without any

1 reconnection fee, charge, or penalty; good cause for  
2 termination includes, but is not limited to, failure to pay  
3 a bill by the date specified in the notice of impending  
4 termination, payment by check for which there are  
5 insufficient funds, theft of service, abuse of equipment or  
6 personnel, or other similar subscriber actions.

7 (8) Cable or video providers shall cease charging a  
8 customer for any or all services within one business day  
9 after it receives a request to immediately terminate  
10 service or on the day requested by the customer if such a  
11 date is at least 5 days from the date requested by the  
12 customer. Nothing in this subsection (c) shall prohibit the  
13 provider from billing for charges that the customer incurs  
14 prior to the date of termination. Cable or video providers  
15 shall issue a credit or a refund or return a deposit within  
16 10 business days after the close of the customer's billing  
17 cycle following the request for termination or the return  
18 of equipment, if any, whichever is later.

19 (9) The customers or subscribers of a cable or video  
20 provider shall be allowed to disconnect their service at  
21 any time within the first 60 days after subscribing to or  
22 upgrading the service. Within this 60-day period, cable or  
23 video providers shall not charge or impose any fees or  
24 penalties on the customer for disconnecting service,  
25 including, but not limited to, any installation charge or  
26 the imposition of an early termination charge, except the

1 cable or video provider may impose a charge or fee to  
2 offset any rebates or credits received by the customer and  
3 may impose monthly service or maintenance charges,  
4 including pay-per-view and premium services charges,  
5 during such 60-day period.

6 (10) Cable and video providers shall guarantee  
7 customer satisfaction for new or upgraded service and the  
8 customer shall receive a pro-rata credit in an amount equal  
9 to the pro-rata charge for the remaining days of service  
10 being disconnected or replaced upon the customers request  
11 if the customer is dissatisfied with the service and  
12 requests to discontinue the service within the first 60  
13 days after subscribing to the upgraded service.

14 (d) Response to customer inquiries:

15 (1) Cable or video providers will maintain a toll-free  
16 telephone access line that is available to customers 24  
17 hours a day, 7 days a week to accept calls regarding  
18 installation, termination, service, and complaints.  
19 Trained, knowledgeable, qualified service representatives  
20 of the cable or video providers will be available to  
21 respond to customer telephone inquiries during normal  
22 business hours. Customer service representatives shall be  
23 able to provide credit, waive fees, schedule appointments,  
24 and change billing cycles. Any difficulties that cannot be  
25 resolved by the customer service representatives shall be  
26 referred to a supervisor who shall make his or her best

1 efforts to resolve the issue immediately. If the supervisor  
2 does not resolve the issue to the customer's satisfaction,  
3 the customer shall be informed of the cable or video  
4 provider's complaint procedures and procedures for billing  
5 dispute resolution and given a description of the rights  
6 and remedies available to customers to enforce the terms of  
7 this Article, including the customer's rights to have the  
8 complaint reviewed by the local unit of government, to  
9 request mediation, and to review in a court of competent  
10 jurisdiction.

11 (2) After normal business hours, the access line may be  
12 answered by a service or an automated response system,  
13 including an answering machine. Inquiries received by  
14 telephone or e-mail after normal business hours shall be  
15 responded to by a trained service representative on the  
16 next business day. The cable or video provider shall  
17 respond to a written billing inquiry within 10 days of  
18 receipt of the inquiry.

19 (3) Cable or video providers shall provide customers  
20 seeking non-standard installations with a total  
21 installation cost estimate and an estimated date of  
22 completion. The actual charge to the customer shall not  
23 exceed 10% of the estimated cost without the written  
24 consent of the customer.

25 (4) If the cable or video provider receives notice that  
26 an unsafe condition exists with respect to its equipment,

1 it shall investigate such condition immediately and shall  
2 take such measures as are necessary to remove or eliminate  
3 the unsafe condition. The cable or video provider shall  
4 inform the local unit of government promptly, but no later  
5 than 2 hours after it receives notification of an unsafe  
6 condition that it has not remedied.

7 (5) Under normal operating conditions, telephone  
8 answer time by the cable or video provider's customer  
9 representative, including wait time, shall not exceed 30  
10 seconds when the connection is made. If the call needs to  
11 be transferred, transfer time shall not exceed 30 seconds.  
12 These standards shall be met no less than 90% of the time  
13 under normal operating conditions, measured on a quarterly  
14 basis.

15 (6) Under normal operating conditions, the cable or  
16 video provider's customers will receive a busy signal less  
17 than 3% of the time.

18 (e) Under normal operating conditions, each of the  
19 following standards related to installations, outages, and  
20 service calls will be met no less than 95% of the time measured  
21 on a quarterly basis:

22 (1) Standard installations will be performed within 7  
23 business days after an order has been placed. "Standard"  
24 installations are those that are located up to 125 feet  
25 from the existing distribution system.

26 (2) Excluding conditions beyond the control of the

1 cable or video providers, the cable or video providers will  
2 begin working on "service interruptions" promptly and in no  
3 event later than 24 hours after the interruption is  
4 reported by the customer or otherwise becomes known to the  
5 cable or video providers. Cable or video providers must  
6 begin actions to correct other service problems the next  
7 business day after notification of the service problem and  
8 correct the problem within 48 hours after the interruption  
9 is reported by the customer 95% of the time, measured on a  
10 quarterly basis.

11 (3) The "appointment window" alternatives for  
12 installations, service calls, and other installation  
13 activities will be either a specific time or, at a maximum,  
14 a 4-hour time block during evening, weekend, and normal  
15 business hours. The cable or video provider may schedule  
16 service calls and other installation activities outside of  
17 these hours for the express convenience of the customer.

18 (4) Cable or video providers may not cancel an  
19 appointment with a customer after 5:00 p.m. on the business  
20 day prior to the scheduled appointment. If the cable or  
21 video provider's representative is running late for an  
22 appointment with a customer and will not be able to keep  
23 the appointment as scheduled, the customer will be  
24 contacted. The appointment will be rescheduled, as  
25 necessary, at a time that is convenient for the customer,  
26 even if the rescheduled appointment is not within normal

1 business hours.

2 (f) Public benefit obligation:

3 (1) All cable or video providers offering service  
4 pursuant to the Cable and Video Competition Law of 2007,  
5 the Illinois Municipal Code, or the Counties Code shall  
6 provide a free service line drop and free basic service to  
7 all current and future public buildings within their  
8 footprint, including, but not limited to, all local unit of  
9 government buildings, public libraries, and public primary  
10 and secondary schools, whether owned or leased by that  
11 local unit of government ("eligible buildings"). Such  
12 service shall be used in a manner consistent with the  
13 government purpose for the eligible building and shall not  
14 be resold.

15 (2) This obligation only applies to those cable or  
16 video service providers whose cable service or video  
17 service systems pass eligible buildings and its cable or  
18 video service is generally available to residential  
19 subscribers in the same local unit of government in which  
20 the eligible building is located. The burden of providing  
21 such service at each eligible building shall be shared by  
22 all cable and video providers whose systems pass the  
23 eligible buildings in an equitable and competitively  
24 neutral manner, and nothing herein shall require  
25 duplicative installations by more than one cable or video  
26 provider at each eligible building. Cable or video

1 providers operating in a local unit of government shall  
2 meet as necessary and determine who will provide service to  
3 eligible buildings under this subsection (f). If the cable  
4 or video providers are unable to reach an agreement, they  
5 shall meet with the local unit of government, which shall  
6 determine which cable or video providers will serve each  
7 eligible building. The local unit of government shall bear  
8 the costs of any inside wiring or video equipment costs not  
9 ordinarily provided as part of the cable or video  
10 provider's basic offering.

11 (g) After the cable or video providers have offered service  
12 for one year, the cable or video providers shall make an annual  
13 report to the Commission, to the local unit of government, and  
14 to the Attorney General that it is meeting the standards  
15 specified in this Article, identifying the number of complaints  
16 it received over the prior year in the State and specifying the  
17 number of complaints related to each of the following: (1)  
18 billing, charges, refunds, and credits; (2) installation or  
19 termination of service; (3) quality of service and repair; (4)  
20 programming; and (5) miscellaneous complaints that do not fall  
21 within these categories. Thereafter, the cable or video  
22 providers shall also provide, upon request by the local unit of  
23 government where service is offered and to the Attorney  
24 General, an annual public report that includes performance data  
25 described in subdivisions (5) and (6) of subsection (d) and  
26 subdivisions (1) and (2) of subsection (e) of this Section for

1 cable services or video services. The performance data shall be  
2 disaggregated for each requesting local unit of government or  
3 local exchange, as that term is defined in Section 13-206 of  
4 this Act, in which the cable or video providers have customers.

5 (h) To the extent consistent with federal law, cable or  
6 video providers shall offer the lowest-cost basic cable or  
7 video service as a stand-alone service to residential customers  
8 at reasonable rates. Cable or video providers shall not require  
9 the subscription to any service other than the lowest-cost  
10 basic service or to any telecommunications or information  
11 service, as a condition of access to cable or video service,  
12 including programming offered on a per channel or per program  
13 basis. Cable or video providers shall not discriminate between  
14 subscribers to the lowest-cost basic service, subscribers to  
15 other cable services or video services, and other subscribers  
16 with regard to the rates charged for cable or video programming  
17 offered on a per channel or per program basis.

18 (i) To the extent consistent with federal law, cable or  
19 video providers shall ensure that charges for changes in the  
20 subscriber's selection of services or equipment shall be based  
21 on the cost of such change and shall not exceed nominal amounts  
22 when the system's configuration permits changes in service tier  
23 selection to be effected solely by coded entry on a computer  
24 terminal or by other similarly simple method.

25 (j) To the extent consistent with federal law, cable or  
26 video providers shall have a rate structure for the provision

1 of cable or video service that is uniform throughout the area  
2 within the boundaries of the local unit of government. This  
3 subsection (j) is not intended to prohibit bulk discounts to  
4 multiple dwelling units or to prohibit reasonable discounts to  
5 senior citizens or other economically disadvantaged groups.

6 (k) To the extent consistent with federal law, cable or  
7 video providers shall not charge a subscriber for any service  
8 or equipment that the subscriber has not affirmatively  
9 requested by name. For purposes of this subsection (k), a  
10 subscriber's failure to refuse a cable or video provider's  
11 proposal to provide service or equipment shall not be deemed to  
12 be an affirmative request for such service or equipment.

13 (l) No contract or service agreement containing an early  
14 termination clause offering residential cable or video  
15 services or any bundle including such services shall be for a  
16 term longer than 2 years. Any contract or service offering with  
17 a term of service that contains an early termination fee shall  
18 limit the early termination fee to not more than the value of  
19 any additional goods or services provided with the cable or  
20 video services, the amount of the discount reflected in the  
21 price for cable services or video services for the period  
22 during which the consumer benefited from the discount, or a  
23 declining fee based on the remainder of the contract term.

24 (m) Cable or video providers shall not discriminate in the  
25 provision of services for the hearing and visually impaired,  
26 and shall comply with the accessibility requirements of 47

1 U.S.C. 613. Cable or video providers shall deliver and pick-up  
2 or provide customers with pre-paid shipping and packaging for  
3 the return of converters and other necessary equipment at the  
4 home of customers with disabilities. Cable or video providers  
5 shall provide free use of a converter or remote control unit to  
6 mobility impaired customers.

7 (n) (1) To the extent consistent with federal law, cable or  
8 video providers shall comply with the provisions of 47 U.S.C.  
9 532(h) and (j). The cable or video providers shall not exercise  
10 any editorial control over any video programming provided  
11 pursuant to this Section, or in any other way consider the  
12 content of such programming, except that a cable or video  
13 provider may refuse to transmit any leased access program or  
14 portion of a leased access program that contains obscenity,  
15 indecency, or nudity and may consider such content to the  
16 minimum extent necessary to establish a reasonable price for  
17 the commercial use of designated channel capacity by an  
18 unaffiliated person. This subsection (n) shall permit cable or  
19 video providers to enforce prospectively a written and  
20 published policy of prohibiting programming that the cable or  
21 video provider reasonably believes describes or depicts sexual  
22 or excretory activities or organs in a patently offensive  
23 manner as measured by contemporary community standards.

24 (2) Upon customer request, the cable or video provider  
25 shall, without charge, fully scramble or otherwise fully  
26 block the audio and video programming of each channel

1 carrying such programming so that a person who is not a  
2 subscriber does not receive the channel or programming.

3 (3) In providing sexually explicit adult programming  
4 or other programming that is indecent on any channel of its  
5 service primarily dedicated to sexually oriented  
6 programming, the cable or video provider shall fully  
7 scramble or otherwise fully block the video and audio  
8 portion of such channel so that a person who is not a  
9 subscriber to such channel or programming does not receive  
10 it.

11 (4) Scramble means to rearrange the content of the  
12 signal of the programming so that the programming cannot be  
13 viewed or heard in an understandable manner.

14 (o) Cable or video providers will maintain a listing,  
15 specific to the level of street address, of the areas where its  
16 cable or video services are available. Customers who inquire  
17 about purchasing cable or video service shall be informed about  
18 whether the cable or video provider's cable or video services  
19 are currently available to them at their specific location.

20 (p) Cable or video providers shall not disclose the name,  
21 address, telephone number or other personally identifying  
22 information of a cable service or video service customer to be  
23 used in mailing lists or to be used for other commercial  
24 purposes not reasonably related to the conduct of its business  
25 unless the cable or video provider has provided to the customer  
26 a notice, separately or included in any other customer service

1 notice, that clearly and conspicuously describes the  
2 customer's ability to prohibit the disclosure. Cable or video  
3 providers shall provide an address and telephone number for a  
4 customer to use without a toll charge to prevent disclosure of  
5 the customer's name and address in mailing lists or for other  
6 commercial purposes not reasonably related to the conduct of  
7 its business to other businesses or affiliates of the cable or  
8 video provider. Cable or video providers shall comply with the  
9 consumer privacy requirements of Section 26-4.5 of the Criminal  
10 Code of 1961 ~~the Communications Consumer Privacy Act~~, the  
11 Restricted Call Registry Act, and 47 U.S.C. 551 that are in  
12 effect as of June 30, 2007 (the effective date of Public Act  
13 95-9) and as amended thereafter.

14 (q) Cable or video providers shall implement an informal  
15 process for handling inquiries from local units of government  
16 and customers concerning billing issues, service issues,  
17 privacy concerns, and other consumer complaints. In the event  
18 that an issue is not resolved through this informal process, a  
19 local unit of government or the customer may request nonbinding  
20 mediation with the cable or video provider, with each party to  
21 bear its own costs of such mediation. Selection of the mediator  
22 will be by mutual agreement, and preference will be given to  
23 mediation services that do not charge the consumer for their  
24 services. In the event that the informal process does not  
25 produce a satisfactory result to the customer or the local unit  
26 of government, enforcement may be pursued as provided in

1 subdivision (4) of subsection (r) of this Section.

2 (r) The Attorney General and the local unit of government  
3 may enforce all of the customer service and privacy protection  
4 standards of this Section with respect to complaints received  
5 from residents within the local unit of government's  
6 jurisdiction, but it may not adopt or seek to enforce any  
7 additional or different customer service or performance  
8 standards under any other authority or provision of law.

9 (1) The local unit of government may, by ordinance,  
10 provide a schedule of penalties for any material breach of  
11 this Section by cable or video providers in addition to the  
12 penalties provided herein. No monetary penalties shall be  
13 assessed for a material breach if it is out of the  
14 reasonable control of the cable or video providers or its  
15 affiliate. Monetary penalties adopted in an ordinance  
16 pursuant to this Section shall apply on a competitively  
17 neutral basis to all providers of cable service or video  
18 service within the local unit of government's  
19 jurisdiction. In no event shall the penalties imposed under  
20 this subsection (r) exceed \$750 for each day of the  
21 material breach, and these penalties shall not exceed  
22 \$25,000 for each occurrence of a material breach per  
23 customer.

24 (2) For purposes of this Section, "material breach"  
25 means any substantial failure of a cable or video service  
26 provider to comply with service quality and other standards

1 specified in any provision of this Act. The Attorney  
2 General or the local unit of government shall give the  
3 cable or video provider written notice of any alleged  
4 material breaches of this Act and allow such provider at  
5 least 30 days from receipt of the notice to remedy the  
6 specified material breach.

7 (3) A material breach, for the purposes of assessing  
8 penalties, shall be deemed to have occurred for each day  
9 that a material breach has not been remedied by the cable  
10 service or video service provider after the expiration of  
11 the period specified in subdivision (2) of this subsection  
12 (r) in each local unit of government's jurisdiction,  
13 irrespective of the number of customers affected.

14 (4) Any customer, the Attorney General, or a local unit  
15 of government may pursue alleged violations of this Act by  
16 the cable or video provider in a court of competent  
17 jurisdiction. A cable or video provider may seek judicial  
18 review of a decision of a local unit of government imposing  
19 penalties in a court of competent jurisdiction. No local  
20 unit of government shall be subject to suit for damages or  
21 other relief based upon its action in connection with its  
22 enforcement or review of any of the terms, conditions, and  
23 rights contained in this Act except a court may require the  
24 return of any penalty it finds was not properly assessed or  
25 imposed.

26 (s) Cable or video providers shall credit customers for

1 violations in the amounts stated herein. The credits shall be  
2 applied on the statement issued to the customer for the next  
3 monthly billing cycle following the violation or following the  
4 discovery of the violation. Cable or video providers are  
5 responsible for providing the credits described herein and the  
6 customer is under no obligation to request the credit. If the  
7 customer is no longer taking service from the cable or video  
8 provider, the credit amount will be refunded to the customer by  
9 check within 30 days of the termination of service. A local  
10 unit of government may, by ordinance, adopt a schedule of  
11 credits payable directly to customers for breach of the  
12 customer service standards and obligations contained in this  
13 Article, provided the schedule of customer credits applies on a  
14 competitively neutral basis to all providers of cable service  
15 or video service in the local unit of government's jurisdiction  
16 and the credits are not greater than the credits provided in  
17 this Section.

18 (1) Failure to provide notice of customer service  
19 standards upon initiation of service: \$25.00.

20 (2) Failure to install service within 7 days: Waiver of  
21 50% of the installation fee or the monthly fee for the  
22 lowest-cost basic service, whichever is greater. Failure  
23 to install service within 14 days: Waiver of 100% of the  
24 installation fee or the monthly fee for the lowest-cost  
25 basic service, whichever is greater.

26 (3) Failure to remedy service interruptions or poor

1 video or audio service quality within 48 hours: Pro-rata  
2 credit of total regular monthly charges equal to the number  
3 of days of the service interruption.

4 (4) Failure to keep an appointment or to notify the  
5 customer prior to the close of business on the business day  
6 prior to the scheduled appointment: \$25.00.

7 (5) Violation of privacy protections: \$150.00.

8 (6) Failure to comply with scrambling requirements:  
9 \$50.00 per month.

10 (7) Violation of customer service and billing  
11 standards in subsections (c) and (d) of this Section:  
12 \$25.00 per occurrence.

13 (8) Violation of the bundling rules in subsection (h)  
14 of this Section: \$25.00 per month.

15 (t) The enforcement powers granted to the Attorney General  
16 in Article XXI of this Act shall apply to this Article, except  
17 that the Attorney General may not seek penalties for violation  
18 of this Article other than in the amounts specified herein.  
19 Nothing in this Section shall limit or affect the powers of the  
20 Attorney General to enforce the provisions of Article XXI of  
21 this Act or the Consumer Fraud and Deceptive Business Practices  
22 Act.

23 (u) This Article applies to all cable and video providers  
24 in the State, including but not limited to those operating  
25 under a local franchise as that term is used in 47 U.S.C.  
26 522(9), those operating under authorization pursuant to

1 Section 11-42-11 of the Illinois Municipal Code, those  
2 operating under authorization pursuant to Section 5-1095 of the  
3 Counties Code, and those operating under a State-issued  
4 authorization pursuant to Article XXI of this Act.

5 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08; 96-927,  
6 eff. 6-15-10.)

7 Section 15-7. The Health Care Worker Background Check Act  
8 is amended by changing Section 25 as follows:

9 (225 ILCS 46/25)

10 Sec. 25. Persons ineligible to be hired by health care  
11 employers and long-term care facilities.

12 (a) In the discretion of the Director of Public Health, as  
13 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
14 or October 1, 2007, as applicable, and as is reasonably  
15 practical, no health care employer shall knowingly hire,  
16 employ, or retain any individual in a position with duties  
17 involving direct care for clients, patients, or residents, and  
18 no long-term care facility shall knowingly hire, employ, or  
19 retain any individual in a position with duties that involve or  
20 may involve contact with residents or access to the living  
21 quarters or the financial, medical, or personal records of  
22 residents, who has been convicted of committing or attempting  
23 to commit one or more of the following offenses: those defined  
24 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,

1 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,  
2 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
3 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
4 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,  
5 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,  
6 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,  
7 12-33, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2,  
8 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1, 24-1,  
9 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of Section  
10 11-14.4, or in subsection (a) of Section 12-3 or subsection (a)  
11 or (b) of Section 12-4.4a, of the Criminal Code of 1961; those  
12 provided in Section 4 of the Wrongs to Children Act; those  
13 provided in Section 53 of the Criminal Jurisprudence Act; those  
14 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control  
15 Act; those defined in the Methamphetamine Control and Community  
16 Protection Act; or those defined in Sections 401, 401.1, 404,  
17 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances  
18 Act, unless the applicant or employee obtains a waiver pursuant  
19 to Section 40.

20 (a-1) In the discretion of the Director of Public Health,  
21 as soon after January 1, 2004 or October 1, 2007, as  
22 applicable, and as is reasonably practical, no health care  
23 employer shall knowingly hire any individual in a position with  
24 duties involving direct care for clients, patients, or  
25 residents, and no long-term care facility shall knowingly hire  
26 any individual in a position with duties that involve or may

1 involve contact with residents or access to the living quarters  
2 or the financial, medical, or personal records of residents,  
3 who has (i) been convicted of committing or attempting to  
4 commit one or more of the offenses defined in Section 12-3.3,  
5 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,  
6 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or  
7 24-3.3, or subsection (b) of Section 17-32, subsection (b) of  
8 Section 18-1, or subsection (b) of Section 20-1, of the  
9 Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the  
10 Illinois Credit Card and Debit Card Act; or Section 11-9.1A of  
11 the Criminal Code of 1961 or Section 5.1 of the Wrongs to  
12 Children Act; or (ii) violated Section 50-50 of the Nurse  
13 Practice Act, unless the applicant or employee obtains a waiver  
14 pursuant to Section 40 of this Act.

15 A health care employer is not required to retain an  
16 individual in a position with duties involving direct care for  
17 clients, patients, or residents, and no long-term care facility  
18 is required to retain an individual in a position with duties  
19 that involve or may involve contact with residents or access to  
20 the living quarters or the financial, medical, or personal  
21 records of residents, who has been convicted of committing or  
22 attempting to commit one or more of the offenses enumerated in  
23 this subsection.

24 (b) A health care employer shall not hire, employ, or  
25 retain any individual in a position with duties involving  
26 direct care of clients, patients, or residents, and no

1 long-term care facility shall knowingly hire, employ, or retain  
2 any individual in a position with duties that involve or may  
3 involve contact with residents or access to the living quarters  
4 or the financial, medical, or personal records of residents, if  
5 the health care employer becomes aware that the individual has  
6 been convicted in another state of committing or attempting to  
7 commit an offense that has the same or similar elements as an  
8 offense listed in subsection (a) or (a-1), as verified by court  
9 records, records from a state agency, or an FBI criminal  
10 history record check, unless the applicant or employee obtains  
11 a waiver pursuant to Section 40 of this Act. This shall not be  
12 construed to mean that a health care employer has an obligation  
13 to conduct a criminal history records check in other states in  
14 which an employee has resided.

15 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section  
16 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;  
17 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.  
18 1-1-12.)

19 Section 15-10. The Veterinary Medicine and Surgery  
20 Practice Act of 2004 is amended by changing Sections 25 and  
21 25.19 as follows:

22 (225 ILCS 115/25) (from Ch. 111, par. 7025)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 25. Disciplinary actions.

1           1. The Department may refuse to issue or renew, or may  
2           revoke, suspend, place on probation, reprimand, or take other  
3           disciplinary action as the Department may deem appropriate,  
4           including fines not to exceed \$1,000 for each violation, with  
5           regard to any license or certificate for any one or combination  
6           of the following:

7                 A. Material misstatement in furnishing information to  
8                 the Department.

9                 B. Violations of this Act, or of the rules adopted  
10                pursuant to this Act.

11                C. Conviction of any crime under the laws of the United  
12                States or any state or territory of the United States that  
13                is a felony or that is a misdemeanor, an essential element  
14                of which is dishonesty, or of any crime that is directly  
15                related to the practice of the profession.

16                D. Making any misrepresentation for the purpose of  
17                obtaining licensure or certification, or violating any  
18                provision of this Act or the rules adopted pursuant to this  
19                Act pertaining to advertising.

20                E. Professional incompetence.

21                F. Gross malpractice.

22                G. Aiding or assisting another person in violating any  
23                provision of this Act or rules.

24                H. Failing, within 60 days, to provide information in  
25                response to a written request made by the Department.

26                I. Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,  
2 defraud, or harm the public.

3 J. Habitual or excessive use or addiction to alcohol,  
4 narcotics, stimulants, or any other chemical agent or drug  
5 that results in the inability to practice with reasonable  
6 judgment, skill, or safety.

7 K. Discipline by another state, District of Columbia,  
8 territory, or foreign nation, if at least one of the  
9 grounds for the discipline is the same or substantially  
10 equivalent to those set forth herein.

11 L. Directly or indirectly giving to or receiving from  
12 any person, firm, corporation, partnership or association  
13 any fee, commission, rebate, or other form of compensation  
14 for professional services not actually or personally  
15 rendered.

16 M. A finding by the Board that the licensee or  
17 certificate holder, after having his license or  
18 certificate placed on probationary status, has violated  
19 the terms of probation.

20 N. Willfully making or filing false records or reports  
21 in his practice, including but not limited to false records  
22 filed with State agencies or departments.

23 O. Physical illness, including but not limited to,  
24 deterioration through the aging process, or loss of motor  
25 skill which results in the inability to practice the  
26 profession with reasonable judgment, skill, or safety.

1 P. Solicitation of professional services other than  
2 permitted advertising.

3 Q. Having professional connection with or lending  
4 one's name, directly or indirectly, to any illegal  
5 practitioner of veterinary medicine and surgery and the  
6 various branches thereof.

7 R. Conviction of or cash compromise of a charge or  
8 violation of the Harrison Act or the Illinois Controlled  
9 Substances Act, regulating narcotics.

10 S. Fraud or dishonesty in applying, treating, or  
11 reporting on tuberculin or other biological tests.

12 T. Failing to report, as required by law, or making  
13 false report of any contagious or infectious diseases.

14 U. Fraudulent use or misuse of any health certificate,  
15 shipping certificate, brand inspection certificate, or  
16 other blank forms used in practice that might lead to the  
17 dissemination of disease or the transportation of diseased  
18 animals dead or alive; or dilatory methods, willful  
19 neglect, or misrepresentation in the inspection of milk,  
20 meat, poultry, and the by-products thereof.

21 V. Conviction on a charge of cruelty to animals.

22 W. Failure to keep one's premises and all equipment  
23 therein in a clean and sanitary condition.

24 X. Failure to provide satisfactory proof of having  
25 participated in approved continuing education programs.

26 Y. Failure to (i) file a return, (ii) pay the tax,

1 penalty, or interest shown in a filed return, or (iii) pay  
2 any final assessment of tax, penalty, or interest, as  
3 required by any tax Act administered by the Illinois  
4 Department of Revenue, until the requirements of that tax  
5 Act are satisfied.

6 Z. Conviction by any court of competent jurisdiction,  
7 either within or outside this State, of any violation of  
8 any law governing the practice of veterinary medicine, if  
9 the Department determines, after investigation, that the  
10 person has not been sufficiently rehabilitated to warrant  
11 the public trust.

12 AA. Promotion of the sale of drugs, devices,  
13 appliances, or goods provided for a patient in any manner  
14 to exploit the client for financial gain of the  
15 veterinarian.

16 BB. Gross, willful, or continued overcharging for  
17 professional services, including filing false statements  
18 for collection of fees for which services are not rendered.

19 CC. Practicing under a false or, except as provided by  
20 law, an assumed name.

21 DD. Fraud or misrepresentation in applying for, or  
22 procuring, a license under this Act or in connection with  
23 applying for renewal of a license under this Act.

24 EE. Cheating on or attempting to subvert the licensing  
25 examination administered under this Act.

26 FF. Using, prescribing, or selling a prescription drug

1 or the extra-label use of a prescription drug by any means  
2 in the absence of a valid veterinarian-client-patient  
3 relationship.

4 GG. Failing to report a case of suspected aggravated  
5 cruelty, torture, or animal fighting pursuant to Section  
6 3.07 or 4.01 of the Humane Care for Animals Act or Section  
7 26-5 or 48-1 of the Criminal Code of 1961.

8 2. The determination by a circuit court that a licensee or  
9 certificate holder is subject to involuntary admission or  
10 judicial admission as provided in the Mental Health and  
11 Developmental Disabilities Code operates as an automatic  
12 suspension. The suspension will end only upon a finding by a  
13 court that the patient is no longer subject to involuntary  
14 admission or judicial admission and issues an order so finding  
15 and discharging the patient; and upon the recommendation of the  
16 Board to the Secretary that the licensee or certificate holder  
17 be allowed to resume his practice.

18 3. All proceedings to suspend, revoke, place on  
19 probationary status, or take any other disciplinary action as  
20 the Department may deem proper, with regard to a license or  
21 certificate on any of the foregoing grounds, must be commenced  
22 within 3 years after receipt by the Department of a complaint  
23 alleging the commission of or notice of the conviction order  
24 for any of the acts described in this Section. Except for  
25 proceedings brought for violations of items (CC), (DD), or  
26 (EE), no action shall be commenced more than 5 years after the

1 date of the incident or act alleged to have violated this  
2 Section. In the event of the settlement of any claim or cause  
3 of action in favor of the claimant or the reduction to final  
4 judgment of any civil action in favor of the plaintiff, the  
5 claim, cause of action, or civil action being grounded on the  
6 allegation that a person licensed or certified under this Act  
7 was negligent in providing care, the Department shall have an  
8 additional period of one year from the date of the settlement  
9 or final judgment in which to investigate and begin formal  
10 disciplinary proceedings under Section 25.2 of this Act, except  
11 as otherwise provided by law. The time during which the holder  
12 of the license or certificate was outside the State of Illinois  
13 shall not be included within any period of time limiting the  
14 commencement of disciplinary action by the Department.

15 4. The Department may refuse to issue or take disciplinary  
16 action concerning the license of any person who fails to file a  
17 return, to pay the tax, penalty, or interest shown in a filed  
18 return, or to pay any final assessment of tax, penalty, or  
19 interest as required by any tax Act administered by the  
20 Department of Revenue, until such time as the requirements of  
21 any such tax Act are satisfied as determined by the Department  
22 of Revenue.

23 5. In enforcing this Section, the Board, upon a showing of  
24 a possible violation, may compel a licensee or applicant to  
25 submit to a mental or physical examination, or both, as  
26 required by and at the expense of the Department. The examining

1 physicians or clinical psychologists shall be those  
2 specifically designated by the Board. The Board or the  
3 Department may order (i) the examining physician to present  
4 testimony concerning the mental or physical examination of a  
5 licensee or applicant or (ii) the examining clinical  
6 psychologist to present testimony concerning the mental  
7 examination of a licensee or applicant. No information shall be  
8 excluded by reason of any common law or statutory privilege  
9 relating to communications between a licensee or applicant and  
10 the examining physician or clinical psychologist. An  
11 individual to be examined may have, at his or her own expense,  
12 another physician or clinical psychologist of his or her choice  
13 present during all aspects of the examination. Failure of an  
14 individual to submit to a mental or physical examination, when  
15 directed, is grounds for suspension of his or her license. The  
16 license must remain suspended until the person submits to the  
17 examination or the Board finds, after notice and hearing, that  
18 the refusal to submit to the examination was with reasonable  
19 cause.

20 If the Board finds an individual unable to practice because  
21 of the reasons set forth in this Section, the Board must  
22 require the individual to submit to care, counseling, or  
23 treatment by a physician or clinical psychologist approved by  
24 the Board, as a condition, term, or restriction for continued,  
25 reinstated, or renewed licensure to practice. In lieu of care,  
26 counseling, or treatment, the Board may recommend that the

1 Department file a complaint to immediately suspend or revoke  
2 the license of the individual or otherwise discipline the  
3 licensee.

4 Any individual whose license was granted, continued,  
5 reinstated, or renewed subject to conditions, terms, or  
6 restrictions, as provided for in this Section, or any  
7 individual who was disciplined or placed on supervision  
8 pursuant to this Section must be referred to the Secretary for  
9 a determination as to whether the person shall have his or her  
10 license suspended immediately, pending a hearing by the Board.  
11 (Source: P.A. 96-1322, eff. 7-27-10.)

12 (225 ILCS 115/25.19)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 25.19. Mandatory reporting. Nothing in this Act  
15 exempts a licensee from the mandatory reporting requirements  
16 regarding suspected acts of aggravated cruelty, torture, and  
17 animal fighting imposed under Sections 3.07 and 4.01 of the  
18 Humane Care for Animals Act and Section 26-5 or 48-1 of the  
19 Criminal Code of 1961.

20 (Source: P.A. 93-281, eff. 12-31-03.)

21 Section 15-15. The Humane Care for Animals Act is amended  
22 by changing Sections 3.03-1, 3.04, 3.05, 4.01, and 4.02 as  
23 follows:

1 (510 ILCS 70/3.03-1)

2 Sec. 3.03-1. Depiction of animal cruelty.

3 (a) "Depiction of animal cruelty" means any visual or  
4 auditory depiction, including any photograph, motion-picture  
5 film, video recording, electronic image, or sound recording,  
6 that would constitute a violation of Section 3.01, 3.02, 3.03,  
7 or 4.01 of the Humane Care for Animals Act or Section 26-5 or  
8 48-1 of the Criminal Code of 1961.

9 (b) No person may knowingly create, sell, market, offer to  
10 market or sell, or possess a depiction of animal cruelty. No  
11 person may place that depiction in commerce for commercial gain  
12 or entertainment. This Section does not apply when the  
13 depiction has religious, political, scientific, educational,  
14 law enforcement or humane investigator training, journalistic,  
15 artistic, or historical value; or involves rodeos, sanctioned  
16 livestock events, or normal husbandry practices.

17 The creation, sale, marketing, offering to sell or market,  
18 or possession of the depiction of animal cruelty is illegal  
19 regardless of whether the maiming, mutilation, torture,  
20 wounding, abuse, killing, or any other conduct took place in  
21 this State.

22 (c) Any person convicted of violating this Section is  
23 guilty of a Class A misdemeanor. A second or subsequent  
24 violation is a Class 4 felony. In addition to any other penalty  
25 provided by law, upon conviction for violating this Section,  
26 the court may order the convicted person to undergo a

1 psychological or psychiatric evaluation and to undergo any  
2 treatment at the convicted person's expense that the court  
3 determines to be appropriate after due consideration of the  
4 evaluation. If the convicted person is a juvenile, the court  
5 shall order the convicted person to undergo a psychological or  
6 psychiatric evaluation and to undergo treatment that the court  
7 determines to be appropriate after due consideration of the  
8 evaluation.

9 (Source: P.A. 92-776, eff. 1-1-03.)

10 (510 ILCS 70/3.04)

11 Sec. 3.04. Arrests and seizures; penalties.

12 (a) Any law enforcement officer making an arrest for an  
13 offense involving one or more companion animals under Section  
14 3.01, 3.02, or 3.03 of this Act may lawfully take possession of  
15 some or all of the companion animals in the possession of the  
16 person arrested. The officer, after taking possession of the  
17 companion animals, must file with the court before whom the  
18 complaint is made against any person so arrested an affidavit  
19 stating the name of the person charged in the complaint, a  
20 description of the condition of the companion animal or  
21 companion animals taken, and the time and place the companion  
22 animal or companion animals were taken, together with the name  
23 of the person from whom the companion animal or companion  
24 animals were taken and name of the person who claims to own the  
25 companion animal or companion animals if different from the

1 person from whom the companion animal or companion animals were  
2 seized. He or she must at the same time deliver an inventory of  
3 the companion animal or companion animals taken to the court of  
4 competent jurisdiction. The officer must place the companion  
5 animal or companion animals in the custody of an animal control  
6 or animal shelter and the agency must retain custody of the  
7 companion animal or companion animals subject to an order of  
8 the court adjudicating the charges on the merits and before  
9 which the person complained against is required to appear for  
10 trial. The State's Attorney may, within 14 days after the  
11 seizure, file a "petition for forfeiture prior to trial" before  
12 the court having criminal jurisdiction over the alleged  
13 charges, asking for permanent forfeiture of the companion  
14 animals seized. The petition shall be filed with the court,  
15 with copies served on the impounding agency, the owner, and  
16 anyone claiming an interest in the animals. In a "petition for  
17 forfeiture prior to trial", the burden is on the prosecution to  
18 prove by a preponderance of the evidence that the person  
19 arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act  
20 or Section 26-5 or 48-1 of the Criminal Code of 1961.

21 (b) An owner whose companion animal or companion animals  
22 are removed by a law enforcement officer under this Section  
23 must be given written notice of the circumstances of the  
24 removal and of any legal remedies available to him or her. The  
25 notice must be posted at the place of seizure, or delivered to  
26 a person residing at the place of seizure or, if the address of

1 the owner is different from the address of the person from whom  
2 the companion animal or companion animals were seized,  
3 delivered by registered mail to his or her last known address.

4 (c) In addition to any other penalty provided by law, upon  
5 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the  
6 court may order the convicted person to forfeit to an animal  
7 control or animal shelter the animal or animals that are the  
8 basis of the conviction. Upon an order of forfeiture, the  
9 convicted person is deemed to have permanently relinquished all  
10 rights to the animal or animals that are the basis of the  
11 conviction. The forfeited animal or animals shall be adopted or  
12 humanely euthanized. In no event may the convicted person or  
13 anyone residing in his or her household be permitted to adopt  
14 the forfeited animal or animals. The court, additionally, may  
15 order that the convicted person and persons dwelling in the  
16 same household as the convicted person who conspired, aided, or  
17 abetted in the unlawful act that was the basis of the  
18 conviction, or who knew or should have known of the unlawful  
19 act, may not own, harbor, or have custody or control of any  
20 other animals for a period of time that the court deems  
21 reasonable.

22 (Source: P.A. 95-560, eff. 8-30-07.)

23 (510 ILCS 70/3.05)

24 Sec. 3.05. Security for companion animals and animals used  
25 for fighting purposes.

1           (a) In the case of companion animals as defined in Section  
2 2.01a or animals used for fighting purposes in violation of  
3 Section 4.01 of this Act or Section 26-5 or 48-1 of the  
4 Criminal Code of 1961, the animal control or animal shelter  
5 having custody of the animal or animals may file a petition  
6 with the court requesting that the person from whom the animal  
7 or animals are seized, or the owner of the animal or animals,  
8 be ordered to post security. The security must be in an amount  
9 sufficient to secure payment of all reasonable expenses  
10 expected to be incurred by the animal control or animal shelter  
11 in caring for and providing for the animal or animals pending  
12 the disposition of the charges. Reasonable expenses include,  
13 but are not limited to, estimated medical care and boarding of  
14 the animal or animals for 30 days. The amount of the security  
15 shall be determined by the court after taking into  
16 consideration all of the facts and circumstances of the case,  
17 including, but not limited to, the recommendation of the  
18 impounding organization having custody and care of the seized  
19 animal or animals and the cost of caring for the animal or  
20 animals. If security has been posted in accordance with this  
21 Section, the animal control or animal shelter may draw from the  
22 security the actual costs incurred by the agency in caring for  
23 the seized animal or animals.

24           (b) Upon receipt of a petition, the court must set a  
25 hearing on the petition, to be conducted within 5 business days  
26 after the petition is filed. The petitioner must serve a true

1 copy of the petition upon the defendant and the State's  
2 Attorney for the county in which the animal or animals were  
3 seized. The petitioner must also serve a true copy of the  
4 petition on any interested person. For the purposes of this  
5 subsection, "interested person" means an individual,  
6 partnership, firm, joint stock company, corporation,  
7 association, trust, estate, or other legal entity that the  
8 court determines may have a pecuniary interest in the animal or  
9 animals that are the subject of the petition. The court must  
10 set a hearing date to determine any interested parties. The  
11 court may waive for good cause shown the posting of security.

12 (c) If the court orders the posting of security, the  
13 security must be posted with the clerk of the court within 5  
14 business days after the hearing. If the person ordered to post  
15 security does not do so, the animal or animals are forfeited by  
16 operation of law and the animal control or animal shelter  
17 having control of the animal or animals must dispose of the  
18 animal or animals through adoption or must humanely euthanize  
19 the animal. In no event may the defendant or any person  
20 residing in the defendant's household adopt the animal or  
21 animals.

22 (d) The impounding organization may file a petition with  
23 the court upon the expiration of the 30-day period requesting  
24 the posting of additional security. The court may order the  
25 person from whom the animal or animals were seized, or the  
26 owner of the animal or animals, to post additional security

1 with the clerk of the court to secure payment of reasonable  
2 expenses for an additional period of time pending a  
3 determination by the court of the charges against the person  
4 from whom the animal or animals were seized.

5 (e) In no event may the security prevent the impounding  
6 organization having custody and care of the animal or animals  
7 from disposing of the animal or animals before the expiration  
8 of the 30-day period covered by the security if the court makes  
9 a final determination of the charges against the person from  
10 whom the animal or animals were seized. Upon the adjudication  
11 of the charges, the person who posted the security is entitled  
12 to a refund of the security, in whole or in part, for any  
13 expenses not incurred by the impounding organization.

14 (f) Notwithstanding any other provision of this Section to  
15 the contrary, the court may order a person charged with any  
16 violation of this Act to provide necessary food, water,  
17 shelter, and care for any animal or animals that are the basis  
18 of the charge without the removal of the animal or animals from  
19 their existing location and until the charges against the  
20 person are adjudicated. Until a final determination of the  
21 charges is made, any law enforcement officer, animal control  
22 officer, Department investigator, or an approved humane  
23 investigator may be authorized by an order of the court to make  
24 regular visits to the place where the animal or animals are  
25 being kept to ascertain if the animal or animals are receiving  
26 necessary food, water, shelter, and care. Nothing in this

1 Section prevents any law enforcement officer, Department  
2 investigator, or approved humane investigator from applying  
3 for a warrant under this Section to seize any animal or animals  
4 being held by the person charged pending the adjudication of  
5 the charges if it is determined that the animal or animals are  
6 not receiving the necessary food, water, shelter, or care.

7 (g) Nothing in this Act shall be construed to prevent the  
8 voluntary, permanent relinquishment of any animal by its owner  
9 to an animal control or animal shelter in lieu of posting  
10 security or proceeding to a forfeiture hearing. Voluntary  
11 relinquishment shall have no effect on the criminal charges  
12 that may be pursued by the appropriate authorities.

13 (h) If an owner of a companion animal is acquitted by the  
14 court of charges made pursuant to this Act, the court shall  
15 further order that any security that has been posted for the  
16 animal shall be returned to the owner by the impounding  
17 organization.

18 (i) The provisions of this Section only pertain to  
19 companion animals and animals used for fighting purposes.

20 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

21 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

22 Sec. 4.01. Animals in entertainment. This Section does not  
23 apply when the only animals involved are dogs. (Section 48-1  
24 ~~26-5~~ of the Criminal Code of 1961, rather than this Section,  
25 applies when the only animals involved are dogs.)

1           (a) No person may own, capture, breed, train, or lease any  
2 animal which he or she knows or should know is intended for use  
3 in any show, exhibition, program, or other activity featuring  
4 or otherwise involving a fight between such animal and any  
5 other animal or human, or the intentional killing of any animal  
6 for the purpose of sport, wagering, or entertainment.

7           (b) No person shall promote, conduct, carry on, advertise,  
8 collect money for or in any other manner assist or aid in the  
9 presentation for purposes of sport, wagering, or  
10 entertainment, any show, exhibition, program, or other  
11 activity involving a fight between 2 or more animals or any  
12 animal and human, or the intentional killing of any animal.

13           (c) No person shall sell or offer for sale, ship,  
14 transport, or otherwise move, or deliver or receive any animal  
15 which he or she knows or should know has been captured, bred,  
16 or trained, or will be used, to fight another animal or human  
17 or be intentionally killed, for the purpose of sport, wagering,  
18 or entertainment.

19           (d) No person shall manufacture for sale, shipment,  
20 transportation or delivery any device or equipment which that  
21 person knows or should know is intended for use in any show,  
22 exhibition, program, or other activity featuring or otherwise  
23 involving a fight between 2 or more animals, or any human and  
24 animal, or the intentional killing of any animal for purposes  
25 of sport, wagering or entertainment.

26           (e) No person shall own, possess, sell or offer for sale,

1 ship, transport, or otherwise move any equipment or device  
2 which such person knows or should know is intended for use in  
3 connection with any show, exhibition, program, or activity  
4 featuring or otherwise involving a fight between 2 or more  
5 animals, or any animal and human, or the intentional killing of  
6 any animal for purposes of sport, wagering or entertainment.

7 (f) No person shall make available any site, structure, or  
8 facility, whether enclosed or not, which he or she knows or  
9 should know is intended to be used for the purpose of  
10 conducting any show, exhibition, program, or other activity  
11 involving a fight between 2 or more animals, or any animal and  
12 human, or the intentional killing of any animal.

13 (g) No person shall knowingly attend or otherwise patronize  
14 any show, exhibition, program, or other activity featuring or  
15 otherwise involving a fight between 2 or more animals, or any  
16 animal and human, or the intentional killing of any animal for  
17 the purposes of sport, wagering or entertainment.

18 (h) (Blank).

19 (i) Any animals or equipment involved in a violation of  
20 this Section shall be immediately seized and impounded under  
21 Section 12 by the Department when located at any show,  
22 exhibition, program, or other activity featuring or otherwise  
23 involving an animal fight for the purposes of sport, wagering,  
24 or entertainment.

25 (j) Any vehicle or conveyance other than a common carrier  
26 that is used in violation of this Section shall be seized,

1 held, and offered for sale at public auction by the sheriff's  
2 department of the proper jurisdiction, and the proceeds from  
3 the sale shall be remitted to the general fund of the county  
4 where the violation took place.

5 (k) Any veterinarian in this State who is presented with an  
6 animal for treatment of injuries or wounds resulting from  
7 fighting where there is a reasonable possibility that the  
8 animal was engaged in or utilized for a fighting event for the  
9 purposes of sport, wagering, or entertainment shall file a  
10 report with the Department and cooperate by furnishing the  
11 owners' names, dates, and descriptions of the animal or animals  
12 involved. Any veterinarian who in good faith complies with the  
13 requirements of this subsection has immunity from any  
14 liability, civil, criminal, or otherwise, that may result from  
15 his or her actions. For the purposes of any proceedings, civil  
16 or criminal, the good faith of the veterinarian shall be  
17 rebuttably presumed.

18 (l) No person shall solicit a minor to violate this  
19 Section.

20 (m) The penalties for violations of this Section shall be  
21 as follows:

22 (1) A person convicted of violating subsection (a),  
23 (b), or (c) of this Section or any rule, regulation, or  
24 order of the Department pursuant thereto is guilty of a  
25 Class 4 felony for the first offense. A second or  
26 subsequent offense involving the violation of subsection

1 (a), (b), or (c) of this Section or any rule, regulation,  
2 or order of the Department pursuant thereto is a Class 3  
3 felony.

4 (2) A person convicted of violating subsection (d),  
5 (e), or (f) of this Section or any rule, regulation, or  
6 order of the Department pursuant thereto is guilty of a  
7 Class 4 felony for the first offense. A second or  
8 subsequent violation is a Class 3 felony.

9 (3) A person convicted of violating subsection (g) of  
10 this Section or any rule, regulation, or order of the  
11 Department pursuant thereto is guilty of a Class 4 felony  
12 for the first offense. A second or subsequent violation is  
13 a Class 3 felony.

14 (4) A person convicted of violating subsection (l) of  
15 this Section is guilty of a Class 4 felony for the first  
16 offense. A second or subsequent violation is a Class 3  
17 felony.

18 (n) A person who commits a felony violation of this Section  
19 is subject to the property forfeiture provisions set forth in  
20 Article 124B of the Code of Criminal Procedure of 1963.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;  
22 96-226, eff. 8-11-09; 96-712, eff. 1-1-10; 96-1000, eff.  
23 7-2-10.)

24 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

25 Sec. 4.02. Arrests; reports.

1           (a) Any law enforcement officer making an arrest for an  
2 offense involving one or more animals under Section 4.01 of  
3 this Act or Section 48-1 ~~26-5~~ of the Criminal Code of 1961  
4 shall lawfully take possession of all animals and all  
5 paraphernalia, implements, or other property or things used or  
6 employed, or about to be employed, in the violation of any of  
7 the provisions of Section 4.01 of this Act or Section 48-1 ~~26-5~~  
8 of the Criminal Code of 1961. When a law enforcement officer  
9 has taken possession of such animals, paraphernalia,  
10 implements or other property or things, he or she shall file  
11 with the court before whom the complaint is made against any  
12 person so arrested an affidavit stating therein the name of the  
13 person charged in the complaint, a description of the property  
14 so taken and the time and place of the taking thereof together  
15 with the name of the person from whom the same was taken and  
16 name of the person who claims to own such property, if  
17 different from the person from whom the animals were seized and  
18 if known, and that the affiant has reason to believe and does  
19 believe, stating the ground of the belief, that the animals and  
20 property so taken were used or employed, or were about to be  
21 used or employed, in a violation of Section 4.01 of this Act or  
22 Section 48-1 ~~26-5~~ of the Criminal Code of 1961. He or she shall  
23 thereupon deliver an inventory of the property so taken to the  
24 court of competent jurisdiction. A law enforcement officer may  
25 humanely euthanize animals that are severely injured.

26           An owner whose animals are removed for a violation of

1 Section 4.01 of this Act or Section 48-1 ~~26-5~~ of the Criminal  
2 Code of 1961 must be given written notice of the circumstances  
3 of the removal and of any legal remedies available to him or  
4 her. The notice must be posted at the place of seizure or  
5 delivered to a person residing at the place of seizure or, if  
6 the address of the owner is different from the address of the  
7 person from whom the animals were seized, delivered by  
8 registered mail to his or her last known address.

9 The animal control or animal shelter having custody of the  
10 animals may file a petition with the court requesting that the  
11 person from whom the animals were seized or the owner of the  
12 animals be ordered to post security pursuant to Section 3.05 of  
13 this Act.

14 Upon the conviction of the person so charged, all animals  
15 shall be adopted or humanely euthanized and property so seized  
16 shall be adjudged by the court to be forfeited. Any outstanding  
17 costs incurred by the impounding facility in boarding and  
18 treating the animals pending the disposition of the case and  
19 disposing of the animals upon a conviction must be borne by the  
20 person convicted. In no event may the animals be adopted by the  
21 defendant or anyone residing in his or her household. If the  
22 court finds that the State either failed to prove the criminal  
23 allegations or failed to prove that the animals were used in  
24 fighting, the court must direct the delivery of the animals and  
25 the other property not previously forfeited to the owner of the  
26 animals and property.

1 Any person authorized by this Section to care for an  
2 animal, to treat an animal, or to attempt to restore an animal  
3 to good health and who is acting in good faith is immune from  
4 any civil or criminal liability that may result from his or her  
5 actions.

6 An animal control warden, animal control administrator,  
7 animal shelter employee, or approved humane investigator may  
8 humanely euthanize severely injured, diseased, or suffering  
9 animal in exigent circumstances.

10 (b) Any veterinarian in this State who is presented with an  
11 animal for treatment of injuries or wounds resulting from  
12 fighting where there is a reasonable possibility that the  
13 animal was engaged in or utilized for a fighting event shall  
14 file a report with the Department and cooperate by furnishing  
15 the owners' names, date of receipt of the animal or animals and  
16 treatment administered, and descriptions of the animal or  
17 animals involved. Any veterinarian who in good faith makes a  
18 report, as required by this subsection (b), is immune from any  
19 liability, civil, criminal, or otherwise, resulting from his or  
20 her actions. For the purposes of any proceedings, civil or  
21 criminal, the good faith of any such veterinarian shall be  
22 presumed.

23 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,  
24 eff. 7-11-02; 92-651, eff. 7-11-02.)

25 Section 15-17. The Illinois Vehicle Code is amended by

1 changing Sections 6-106.1 and 6-508 as follows:

2 (625 ILCS 5/6-106.1)

3 Sec. 6-106.1. School bus driver permit.

4 (a) The Secretary of State shall issue a school bus driver  
5 permit to those applicants who have met all the requirements of  
6 the application and screening process under this Section to  
7 insure the welfare and safety of children who are transported  
8 on school buses throughout the State of Illinois. Applicants  
9 shall obtain the proper application required by the Secretary  
10 of State from their prospective or current employer and submit  
11 the completed application to the prospective or current  
12 employer along with the necessary fingerprint submission as  
13 required by the Department of State Police to conduct  
14 fingerprint based criminal background checks on current and  
15 future information available in the state system and current  
16 information available through the Federal Bureau of  
17 Investigation's system. Applicants who have completed the  
18 fingerprinting requirements shall not be subjected to the  
19 fingerprinting process when applying for subsequent permits or  
20 submitting proof of successful completion of the annual  
21 refresher course. Individuals who on the effective date of this  
22 Act possess a valid school bus driver permit that has been  
23 previously issued by the appropriate Regional School  
24 Superintendent are not subject to the fingerprinting  
25 provisions of this Section as long as the permit remains valid

1 and does not lapse. The applicant shall be required to pay all  
2 related application and fingerprinting fees as established by  
3 rule including, but not limited to, the amounts established by  
4 the Department of State Police and the Federal Bureau of  
5 Investigation to process fingerprint based criminal background  
6 investigations. All fees paid for fingerprint processing  
7 services under this Section shall be deposited into the State  
8 Police Services Fund for the cost incurred in processing the  
9 fingerprint based criminal background investigations. All  
10 other fees paid under this Section shall be deposited into the  
11 Road Fund for the purpose of defraying the costs of the  
12 Secretary of State in administering this Section. All  
13 applicants must:

- 14 1. be 21 years of age or older;
- 15 2. possess a valid and properly classified driver's  
16 license issued by the Secretary of State;
- 17 3. possess a valid driver's license, which has not been  
18 revoked, suspended, or canceled for 3 years immediately  
19 prior to the date of application, or have not had his or  
20 her commercial motor vehicle driving privileges  
21 disqualified within the 3 years immediately prior to the  
22 date of application;
- 23 4. successfully pass a written test, administered by  
24 the Secretary of State, on school bus operation, school bus  
25 safety, and special traffic laws relating to school buses  
26 and submit to a review of the applicant's driving habits by

1 the Secretary of State at the time the written test is  
2 given;

3 5. demonstrate ability to exercise reasonable care in  
4 the operation of school buses in accordance with rules  
5 promulgated by the Secretary of State;

6 6. demonstrate physical fitness to operate school  
7 buses by submitting the results of a medical examination,  
8 including tests for drug use for each applicant not subject  
9 to such testing pursuant to federal law, conducted by a  
10 licensed physician, an advanced practice nurse who has a  
11 written collaborative agreement with a collaborating  
12 physician which authorizes him or her to perform medical  
13 examinations, or a physician assistant who has been  
14 delegated the performance of medical examinations by his or  
15 her supervising physician within 90 days of the date of  
16 application according to standards promulgated by the  
17 Secretary of State;

18 7. affirm under penalties of perjury that he or she has  
19 not made a false statement or knowingly concealed a  
20 material fact in any application for permit;

21 8. have completed an initial classroom course,  
22 including first aid procedures, in school bus driver safety  
23 as promulgated by the Secretary of State; and after  
24 satisfactory completion of said initial course an annual  
25 refresher course; such courses and the agency or  
26 organization conducting such courses shall be approved by

1 the Secretary of State; failure to complete the annual  
2 refresher course, shall result in cancellation of the  
3 permit until such course is completed;

4 9. not have been under an order of court supervision  
5 for or convicted of 2 or more serious traffic offenses, as  
6 defined by rule, within one year prior to the date of  
7 application that may endanger the life or safety of any of  
8 the driver's passengers within the duration of the permit  
9 period;

10 10. not have been under an order of court supervision  
11 for or convicted of reckless driving, aggravated reckless  
12 driving, driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or  
14 any combination thereof, or reckless homicide resulting  
15 from the operation of a motor vehicle within 3 years of the  
16 date of application;

17 11. not have been convicted of committing or attempting  
18 to commit any one or more of the following offenses: (i)  
19 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
20 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
21 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,  
22 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
23 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
24 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
25 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
26 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,

1 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
2 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,  
3 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
4 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,  
5 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1,  
6 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,  
7 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1,  
8 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section  
9 8-1, and in subdivisions (a) (1), (a) (2), (b) (1), (e) (1),  
10 (e) (2), (e) (3), (e) (4), and (f) (1) of Section 12-3.05, and  
11 in subsection (a) and subsection (b), clause (1), of  
12 Section 12-4, and in subsection (A), clauses (a) and (b),  
13 of Section 24-3, and those offenses contained in Article  
14 29D of the Criminal Code of 1961; (ii) those offenses  
15 defined in the Cannabis Control Act except those offenses  
16 defined in subsections (a) and (b) of Section 4, and  
17 subsection (a) of Section 5 of the Cannabis Control Act;  
18 (iii) those offenses defined in the Illinois Controlled  
19 Substances Act; (iv) those offenses defined in the  
20 Methamphetamine Control and Community Protection Act; (v)  
21 any offense committed or attempted in any other state or  
22 against the laws of the United States, which if committed  
23 or attempted in this State would be punishable as one or  
24 more of the foregoing offenses; (vi) the offenses defined  
25 in Section 4.1 and 5.1 of the Wrongs to Children Act or  
26 Section 11-9.1A of the Criminal Code of 1961; (vii) those

1 offenses defined in Section 6-16 of the Liquor Control Act  
2 of 1934; and (viii) those offenses defined in the  
3 Methamphetamine Precursor Control Act;

4 12. not have been repeatedly involved as a driver in  
5 motor vehicle collisions or been repeatedly convicted of  
6 offenses against laws and ordinances regulating the  
7 movement of traffic, to a degree which indicates lack of  
8 ability to exercise ordinary and reasonable care in the  
9 safe operation of a motor vehicle or disrespect for the  
10 traffic laws and the safety of other persons upon the  
11 highway;

12 13. not have, through the unlawful operation of a motor  
13 vehicle, caused an accident resulting in the death of any  
14 person;

15 14. not have, within the last 5 years, been adjudged to  
16 be afflicted with or suffering from any mental disability  
17 or disease; and

18 15. consent, in writing, to the release of results of  
19 reasonable suspicion drug and alcohol testing under  
20 Section 6-106.1c of this Code by the employer of the  
21 applicant to the Secretary of State.

22 (b) A school bus driver permit shall be valid for a period  
23 specified by the Secretary of State as set forth by rule. It  
24 shall be renewable upon compliance with subsection (a) of this  
25 Section.

26 (c) A school bus driver permit shall contain the holder's

1 driver's license number, legal name, residence address, zip  
2 code, and date of birth, a brief description of the holder and  
3 a space for signature. The Secretary of State may require a  
4 suitable photograph of the holder.

5 (d) The employer shall be responsible for conducting a  
6 pre-employment interview with prospective school bus driver  
7 candidates, distributing school bus driver applications and  
8 medical forms to be completed by the applicant, and submitting  
9 the applicant's fingerprint cards to the Department of State  
10 Police that are required for the criminal background  
11 investigations. The employer shall certify in writing to the  
12 Secretary of State that all pre-employment conditions have been  
13 successfully completed including the successful completion of  
14 an Illinois specific criminal background investigation through  
15 the Department of State Police and the submission of necessary  
16 fingerprints to the Federal Bureau of Investigation for  
17 criminal history information available through the Federal  
18 Bureau of Investigation system. The applicant shall present the  
19 certification to the Secretary of State at the time of  
20 submitting the school bus driver permit application.

21 (e) Permits shall initially be provisional upon receiving  
22 certification from the employer that all pre-employment  
23 conditions have been successfully completed, and upon  
24 successful completion of all training and examination  
25 requirements for the classification of the vehicle to be  
26 operated, the Secretary of State shall provisionally issue a

1 School Bus Driver Permit. The permit shall remain in a  
2 provisional status pending the completion of the Federal Bureau  
3 of Investigation's criminal background investigation based  
4 upon fingerprinting specimens submitted to the Federal Bureau  
5 of Investigation by the Department of State Police. The Federal  
6 Bureau of Investigation shall report the findings directly to  
7 the Secretary of State. The Secretary of State shall remove the  
8 bus driver permit from provisional status upon the applicant's  
9 successful completion of the Federal Bureau of Investigation's  
10 criminal background investigation.

11 (f) A school bus driver permit holder shall notify the  
12 employer and the Secretary of State if he or she is issued an  
13 order of court supervision for or convicted in another state of  
14 an offense that would make him or her ineligible for a permit  
15 under subsection (a) of this Section. The written notification  
16 shall be made within 5 days of the entry of the order of court  
17 supervision or conviction. Failure of the permit holder to  
18 provide the notification is punishable as a petty offense for a  
19 first violation and a Class B misdemeanor for a second or  
20 subsequent violation.

21 (g) Cancellation; suspension; notice and procedure.

22 (1) The Secretary of State shall cancel a school bus  
23 driver permit of an applicant whose criminal background  
24 investigation discloses that he or she is not in compliance  
25 with the provisions of subsection (a) of this Section.

26 (2) The Secretary of State shall cancel a school bus

1 driver permit when he or she receives notice that the  
2 permit holder fails to comply with any provision of this  
3 Section or any rule promulgated for the administration of  
4 this Section.

5 (3) The Secretary of State shall cancel a school bus  
6 driver permit if the permit holder's restricted commercial  
7 or commercial driving privileges are withdrawn or  
8 otherwise invalidated.

9 (4) The Secretary of State may not issue a school bus  
10 driver permit for a period of 3 years to an applicant who  
11 fails to obtain a negative result on a drug test as  
12 required in item 6 of subsection (a) of this Section or  
13 under federal law.

14 (5) The Secretary of State shall forthwith suspend a  
15 school bus driver permit for a period of 3 years upon  
16 receiving notice that the holder has failed to obtain a  
17 negative result on a drug test as required in item 6 of  
18 subsection (a) of this Section or under federal law.

19 (6) The Secretary of State shall suspend a school bus  
20 driver permit for a period of 3 years upon receiving notice  
21 from the employer that the holder failed to perform the  
22 inspection procedure set forth in subsection (a) or (b) of  
23 Section 12-816 of this Code.

24 (7) The Secretary of State shall suspend a school bus  
25 driver permit for a period of 3 years upon receiving notice  
26 from the employer that the holder refused to submit to an

1 alcohol or drug test as required by Section 6-106.1c or has  
2 submitted to a test required by that Section which  
3 disclosed an alcohol concentration of more than 0.00 or  
4 disclosed a positive result on a National Institute on Drug  
5 Abuse five-drug panel, utilizing federal standards set  
6 forth in 49 CFR 40.87.

7 The Secretary of State shall notify the State  
8 Superintendent of Education and the permit holder's  
9 prospective or current employer that the applicant has (1) has  
10 failed a criminal background investigation or (2) is no longer  
11 eligible for a school bus driver permit; and of the related  
12 cancellation of the applicant's provisional school bus driver  
13 permit. The cancellation shall remain in effect pending the  
14 outcome of a hearing pursuant to Section 2-118 of this Code.  
15 The scope of the hearing shall be limited to the issuance  
16 criteria contained in subsection (a) of this Section. A  
17 petition requesting a hearing shall be submitted to the  
18 Secretary of State and shall contain the reason the individual  
19 feels he or she is entitled to a school bus driver permit. The  
20 permit holder's employer shall notify in writing to the  
21 Secretary of State that the employer has certified the removal  
22 of the offending school bus driver from service prior to the  
23 start of that school bus driver's next workshift. An employing  
24 school board that fails to remove the offending school bus  
25 driver from service is subject to the penalties defined in  
26 Section 3-14.23 of the School Code. A school bus contractor who

1 violates a provision of this Section is subject to the  
2 penalties defined in Section 6-106.11.

3 All valid school bus driver permits issued under this  
4 Section prior to January 1, 1995, shall remain effective until  
5 their expiration date unless otherwise invalidated.

6 (h) When a school bus driver permit holder who is a service  
7 member is called to active duty, the employer of the permit  
8 holder shall notify the Secretary of State, within 30 days of  
9 notification from the permit holder, that the permit holder has  
10 been called to active duty. Upon notification pursuant to this  
11 subsection, (i) the Secretary of State shall characterize the  
12 permit as inactive until a permit holder renews the permit as  
13 provided in subsection (i) of this Section, and (ii) if a  
14 permit holder fails to comply with the requirements of this  
15 Section while called to active duty, the Secretary of State  
16 shall not characterize the permit as invalid.

17 (i) A school bus driver permit holder who is a service  
18 member returning from active duty must, within 90 days, renew a  
19 permit characterized as inactive pursuant to subsection (h) of  
20 this Section by complying with the renewal requirements of  
21 subsection (b) of this Section.

22 (j) For purposes of subsections (h) and (i) of this  
23 Section:

24 "Active duty" means active duty pursuant to an executive  
25 order of the President of the United States, an act of the  
26 Congress of the United States, or an order of the Governor.

1 "Service member" means a member of the Armed Services or  
2 reserve forces of the United States or a member of the Illinois  
3 National Guard.

4 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
5 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
6 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,  
7 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;  
8 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.  
9 1-1-12; revised 9-15-11.)

10 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
11 Sec. 6-508. Commercial Driver's License (CDL) -  
12 qualification standards.

13 (a) Testing.

14 (1) General. No person shall be issued an original or  
15 renewal CDL unless that person is domiciled in this State.  
16 The Secretary shall cause to be administered such tests as  
17 the Secretary deems necessary to meet the requirements of  
18 49 C.F.R. Part 383, subparts F, G, H, and J.

19 (2) Third party testing. The Secretary of state may  
20 authorize a "third party tester", pursuant to 49 C.F.R.  
21 Part 383.75, to administer the skills test or tests  
22 specified by Federal Motor Carrier Safety Administration  
23 pursuant to the Commercial Motor Vehicle Safety Act of 1986  
24 and any appropriate federal rule.

25 (b) Waiver of Skills Test. The Secretary of State may waive

1 the skills test specified in this Section for a driver  
2 applicant for a commercial driver license who meets the  
3 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

4 (b-1) No person shall be issued a commercial driver  
5 instruction permit or CDL unless the person certifies to the  
6 Secretary one of the following types of driving operations in  
7 which he or she will be engaged:

8 (1) non-excepted interstate;

9 (2) non-excepted intrastate;

10 (3) excepted interstate; or

11 (4) excepted intrastate.

12 (b-2) Persons who hold a commercial driver instruction  
13 permit or CDL on January 30, 2012 must certify to the Secretary  
14 no later than January 30, 2014 one of the following applicable  
15 self-certifications:

16 (1) non-excepted interstate;

17 (2) non-excepted intrastate;

18 (3) excepted interstate; or

19 (4) excepted intrastate.

20 (c) Limitations on issuance of a CDL. A CDL, or a  
21 commercial driver instruction permit, shall not be issued to a  
22 person while the person is subject to a disqualification from  
23 driving a commercial motor vehicle, or unless otherwise  
24 permitted by this Code, while the person's driver's license is  
25 suspended, revoked or cancelled in any state, or any territory  
26 or province of Canada; nor may a CDL be issued to a person who

1 has a CDL issued by any other state, or foreign jurisdiction,  
2 unless the person first surrenders all such licenses. No CDL  
3 shall be issued to or renewed for a person who does not meet  
4 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
5 met with the aid of a hearing aid.

6 (c-1) The Secretary may issue a CDL with a school bus  
7 driver endorsement to allow a person to drive the type of bus  
8 described in subsection (d-5) of Section 6-104 of this Code.  
9 The CDL with a school bus driver endorsement may be issued only  
10 to a person meeting the following requirements:

11 (1) the person has submitted his or her fingerprints to  
12 the Department of State Police in the form and manner  
13 prescribed by the Department of State Police. These  
14 fingerprints shall be checked against the fingerprint  
15 records now and hereafter filed in the Department of State  
16 Police and Federal Bureau of Investigation criminal  
17 history records databases;

18 (2) the person has passed a written test, administered  
19 by the Secretary of State, on charter bus operation,  
20 charter bus safety, and certain special traffic laws  
21 relating to school buses determined by the Secretary of  
22 State to be relevant to charter buses, and submitted to a  
23 review of the driver applicant's driving habits by the  
24 Secretary of State at the time the written test is given;

25 (3) the person has demonstrated physical fitness to  
26 operate school buses by submitting the results of a medical

1 examination, including tests for drug use; and

2 (4) the person has not been convicted of committing or  
3 attempting to commit any one or more of the following  
4 offenses: (i) those offenses defined in Sections 8-1.2,  
5 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
6 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
7 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
8 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
9 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
10 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
11 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
12 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
13 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
14 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
15 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
16 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3,  
17 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,  
18 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,  
19 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection  
20 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),  
21 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of  
22 Section 12-3.05, and in subsection (a) and subsection (b),  
23 clause (1), of Section 12-4, and in subsection (A), clauses  
24 (a) and (b), of Section 24-3, and those offenses contained  
25 in Article 29D of the Criminal Code of 1961; (ii) those  
26 offenses defined in the Cannabis Control Act except those

1 offenses defined in subsections (a) and (b) of Section 4,  
2 and subsection (a) of Section 5 of the Cannabis Control  
3 Act; (iii) those offenses defined in the Illinois  
4 Controlled Substances Act; (iv) those offenses defined in  
5 the Methamphetamine Control and Community Protection Act;  
6 (v) any offense committed or attempted in any other state  
7 or against the laws of the United States, which if  
8 committed or attempted in this State would be punishable as  
9 one or more of the foregoing offenses; (vi) the offenses  
10 defined in Sections 4.1 and 5.1 of the Wrongs to Children  
11 Act or Section 11-9.1A of the Criminal Code of 1961; (vii)  
12 those offenses defined in Section 6-16 of the Liquor  
13 Control Act of 1934; and (viii) those offenses defined in  
14 the Methamphetamine Precursor Control Act.

15 The Department of State Police shall charge a fee for  
16 conducting the criminal history records check, which shall be  
17 deposited into the State Police Services Fund and may not  
18 exceed the actual cost of the records check.

19 (c-2) The Secretary shall issue a CDL with a school bus  
20 endorsement to allow a person to drive a school bus as defined  
21 in this Section. The CDL shall be issued according to the  
22 requirements outlined in 49 C.F.R. 383. A person may not  
23 operate a school bus as defined in this Section without a  
24 school bus endorsement. The Secretary of State may adopt rules  
25 consistent with Federal guidelines to implement this  
26 subsection (c-2).

1 (d) Commercial driver instruction permit. A commercial  
2 driver instruction permit may be issued to any person holding a  
3 valid Illinois driver's license if such person successfully  
4 passes such tests as the Secretary determines to be necessary.  
5 A commercial driver instruction permit shall not be issued to a  
6 person who does not meet the requirements of 49 CFR 391.41  
7 (b)(11), except for the renewal of a commercial driver  
8 instruction permit for a person who possesses a commercial  
9 instruction permit prior to the effective date of this  
10 amendatory Act of 1999.

11 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;  
12 96-1182, eff. 7-22-10; 96-1551, Article 1, Section 95, eff.  
13 7-1-11; 96-1551, Article 2, Section 1025, eff. 7-1-11; 97-208,  
14 eff. 1-1-12; revised 9-26-11.)

15 Section 15-20. The Clerks of Courts Act is amended by  
16 changing Sections 27.3a, 27.5 and 27.6 as follows:

17 (705 ILCS 105/27.3a)

18 (Text of Section before amendment by P.A. 97-46)

19 Sec. 27.3a. Fees for automated record keeping and State  
20 Police operations.

21 1. The expense of establishing and maintaining automated  
22 record keeping systems in the offices of the clerks of the  
23 circuit court shall be borne by the county. To defray such  
24 expense in any county having established such an automated

1 system or which elects to establish such a system, the county  
2 board may require the clerk of the circuit court in their  
3 county to charge and collect a court automation fee of not less  
4 than \$1 nor more than \$15 to be charged and collected by the  
5 clerk of the court. Such fee shall be paid at the time of  
6 filing the first pleading, paper or other appearance filed by  
7 each party in all civil cases or by the defendant in any  
8 felony, traffic, misdemeanor, municipal ordinance, or  
9 conservation case upon a judgment of guilty or grant of  
10 supervision, provided that the record keeping system which  
11 processes the case category for which the fee is charged is  
12 automated or has been approved for automation by the county  
13 board, and provided further that no additional fee shall be  
14 required if more than one party is presented in a single  
15 pleading, paper or other appearance. Such fee shall be  
16 collected in the manner in which all other fees or costs are  
17 collected.

18 1.5. Starting on the effective date of this amendatory Act  
19 of the 96th General Assembly, a clerk of the circuit court in  
20 any county that imposes a fee pursuant to subsection 1 of this  
21 Section, shall charge and collect an additional fee in an  
22 amount equal to the amount of the fee imposed pursuant to  
23 subsection 1 of this Section. This additional fee shall be paid  
24 by the defendant in any felony, traffic, misdemeanor, local  
25 ordinance, or conservation case upon a judgment of guilty or  
26 grant of supervision.

1           2. With respect to the fee imposed under subsection 1 of  
2 this Section, each clerk shall commence such charges and  
3 collections upon receipt of written notice from the chairman of  
4 the county board together with a certified copy of the board's  
5 resolution, which the clerk shall file of record in his office.

6           3. With respect to the fee imposed under subsection 1 of  
7 this Section, such fees shall be in addition to all other fees  
8 and charges of such clerks, and assessable as costs, and may be  
9 waived only if the judge specifically provides for the waiver  
10 of the court automation fee. The fees shall be remitted monthly  
11 by such clerk to the county treasurer, to be retained by him in  
12 a special fund designated as the court automation fund. The  
13 fund shall be audited by the county auditor, and the board  
14 shall make expenditure from the fund in payment of any cost  
15 related to the automation of court records, including hardware,  
16 software, research and development costs and personnel related  
17 thereto, provided that the expenditure is approved by the clerk  
18 of the court and by the chief judge of the circuit court or his  
19 designate.

20           4. With respect to the fee imposed under subsection 1 of  
21 this Section, such fees shall not be charged in any matter  
22 coming to any such clerk on change of venue, nor in any  
23 proceeding to review the decision of any administrative  
24 officer, agency or body.

25           5. With respect to the additional fee imposed under  
26 subsection 1.5 of this Section, the fee shall be remitted by

1 the circuit clerk to the State Treasurer within one month after  
2 receipt for deposit into the State Police Operations Assistance  
3 Fund.

4 6. With respect to the additional fees imposed under  
5 subsection 1.5 of this Section, the Director of State Police  
6 may direct the use of these fees for homeland security purposes  
7 by transferring these fees on a quarterly basis from the State  
8 Police Operations Assistance Fund into the Illinois Law  
9 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
10 initiatives programs. The transferred fees shall be allocated,  
11 subject to the approval of the ILEAS Executive Board, as  
12 follows: (i) 66.6% shall be used for homeland security  
13 initiatives and (ii) 33.3% shall be used for airborne  
14 operations. The ILEAS Executive Board shall annually supply the  
15 Director of State Police with a report of the use of these  
16 fees.

17 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

18 (Text of Section after amendment by P.A. 97-46)

19 Sec. 27.3a. Fees for automated record keeping and State and  
20 Conservation Police operations.

21 1. The expense of establishing and maintaining automated  
22 record keeping systems in the offices of the clerks of the  
23 circuit court shall be borne by the county. To defray such  
24 expense in any county having established such an automated  
25 system or which elects to establish such a system, the county

1 board may require the clerk of the circuit court in their  
2 county to charge and collect a court automation fee of not less  
3 than \$1 nor more than \$15 to be charged and collected by the  
4 clerk of the court. Such fee shall be paid at the time of  
5 filing the first pleading, paper or other appearance filed by  
6 each party in all civil cases or by the defendant in any  
7 felony, traffic, misdemeanor, municipal ordinance, or  
8 conservation case upon a judgment of guilty or grant of  
9 supervision, provided that the record keeping system which  
10 processes the case category for which the fee is charged is  
11 automated or has been approved for automation by the county  
12 board, and provided further that no additional fee shall be  
13 required if more than one party is presented in a single  
14 pleading, paper or other appearance. Such fee shall be  
15 collected in the manner in which all other fees or costs are  
16 collected.

17 1.5. Starting on the effective date of this amendatory Act  
18 of the 96th General Assembly, a clerk of the circuit court in  
19 any county that imposes a fee pursuant to subsection 1 of this  
20 Section, shall charge and collect an additional fee in an  
21 amount equal to the amount of the fee imposed pursuant to  
22 subsection 1 of this Section. This additional fee shall be paid  
23 by the defendant in any felony, traffic, misdemeanor, or local  
24 ordinance case upon a judgment of guilty or grant of  
25 supervision. This fee shall not be paid by the defendant for  
26 any conservation violation listed in subsection 1.6 of this

1 Section.

2 1.6. Starting on July 1, 2012 (the effective date of Public  
3 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a  
4 clerk of the circuit court in any county that imposes a fee  
5 pursuant to subsection 1 of this Section shall charge and  
6 collect an additional fee in an amount equal to the amount of  
7 the fee imposed pursuant to subsection 1 of this Section. This  
8 additional fee shall be paid by the defendant upon a judgment  
9 of guilty or grant of supervision for a conservation violation  
10 under the State Parks Act, the Recreational Trails of Illinois  
11 Act, the Illinois Explosives Act, the Timber Buyers Licensing  
12 Act, the Forest Products Transportation Act, the Firearm Owners  
13 Identification Card Act, the Environmental Protection Act, the  
14 Fish and Aquatic Life Code, the Wildlife Code, the Cave  
15 Protection Act, the Illinois Exotic Weed Act, the Illinois  
16 Forestry Development Act, the Ginseng Harvesting Act, the  
17 Illinois Lake Management Program Act, the Illinois Natural  
18 Areas Preservation Act, the Illinois Open Land Trust Act, the  
19 Open Space Lands Acquisition and Development Act, the Illinois  
20 Prescribed Burning Act, the State Forest Act, the Water Use Act  
21 of 1983, the Illinois Youth and Young Adult Employment Act of  
22 1986, the Snowmobile Registration and Safety Act, the Boat  
23 Registration and Safety Act, the Illinois Dangerous Animals  
24 Act, the Hunter and Fishermen Interference Prohibition Act, the  
25 Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2,  
26 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or

1 11-1427.5 of the Illinois Vehicle Code, or Section 48-3 or  
2 48-10 of the Criminal Code of 1961.

3 2. With respect to the fee imposed under subsection 1 of  
4 this Section, each clerk shall commence such charges and  
5 collections upon receipt of written notice from the chairman of  
6 the county board together with a certified copy of the board's  
7 resolution, which the clerk shall file of record in his office.

8 3. With respect to the fee imposed under subsection 1 of  
9 this Section, such fees shall be in addition to all other fees  
10 and charges of such clerks, and assessable as costs, and may be  
11 waived only if the judge specifically provides for the waiver  
12 of the court automation fee. The fees shall be remitted monthly  
13 by such clerk to the county treasurer, to be retained by him in  
14 a special fund designated as the court automation fund. The  
15 fund shall be audited by the county auditor, and the board  
16 shall make expenditure from the fund in payment of any cost  
17 related to the automation of court records, including hardware,  
18 software, research and development costs and personnel related  
19 thereto, provided that the expenditure is approved by the clerk  
20 of the court and by the chief judge of the circuit court or his  
21 designate.

22 4. With respect to the fee imposed under subsection 1 of  
23 this Section, such fees shall not be charged in any matter  
24 coming to any such clerk on change of venue, nor in any  
25 proceeding to review the decision of any administrative  
26 officer, agency or body.

1           5. With respect to the additional fee imposed under  
2 subsection 1.5 of this Section, the fee shall be remitted by  
3 the circuit clerk to the State Treasurer within one month after  
4 receipt for deposit into the State Police Operations Assistance  
5 Fund.

6           6. With respect to the additional fees imposed under  
7 subsection 1.5 of this Section, the Director of State Police  
8 may direct the use of these fees for homeland security purposes  
9 by transferring these fees on a quarterly basis from the State  
10 Police Operations Assistance Fund into the Illinois Law  
11 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
12 initiatives programs. The transferred fees shall be allocated,  
13 subject to the approval of the ILEAS Executive Board, as  
14 follows: (i) 66.6% shall be used for homeland security  
15 initiatives and (ii) 33.3% shall be used for airborne  
16 operations. The ILEAS Executive Board shall annually supply the  
17 Director of State Police with a report of the use of these  
18 fees.

19           7. ~~6.~~ With respect to the additional fee imposed under  
20 subsection 1.6 of this Section, the fee shall be remitted by  
21 the circuit clerk to the State Treasurer within one month after  
22 receipt for deposit into the Conservation Police Operations  
23 Assistance Fund.

24           (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;  
25 97-453, eff. 8-19-11; revised 10-4-11.)

1 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

2 Sec. 27.5. (a) All fees, fines, costs, additional  
3 penalties, bail balances assessed or forfeited, and any other  
4 amount paid by a person to the circuit clerk that equals an  
5 amount less than \$55, except restitution under Section 5-5-6 of  
6 the Unified Code of Corrections, reimbursement for the costs of  
7 an emergency response as provided under Section 11-501 of the  
8 Illinois Vehicle Code, any fees collected for attending a  
9 traffic safety program under paragraph (c) of Supreme Court  
10 Rule 529, any fee collected on behalf of a State's Attorney  
11 under Section 4-2002 of the Counties Code or a sheriff under  
12 Section 4-5001 of the Counties Code, or any cost imposed under  
13 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
14 convictions, orders of supervision, or any other disposition  
15 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
16 Vehicle Code, or a similar provision of a local ordinance, and  
17 any violation of the Child Passenger Protection Act, or a  
18 similar provision of a local ordinance, and except as otherwise  
19 provided in this Section, shall be disbursed within 60 days  
20 after receipt by the circuit clerk as follows: 47% shall be  
21 disbursed to the entity authorized by law to receive the fine  
22 imposed in the case; 12% shall be disbursed to the State  
23 Treasurer; and 41% shall be disbursed to the county's general  
24 corporate fund. Of the 12% disbursed to the State Treasurer,  
25 1/6 shall be deposited by the State Treasurer into the Violent  
26 Crime Victims Assistance Fund, 1/2 shall be deposited into the

1 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall  
2 be deposited into the Drivers Education Fund. For fiscal years  
3 1992 and 1993, amounts deposited into the Violent Crime Victims  
4 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
5 Fund, or the Drivers Education Fund shall not exceed 110% of  
6 the amounts deposited into those funds in fiscal year 1991. Any  
7 amount that exceeds the 110% limit shall be distributed as  
8 follows: 50% shall be disbursed to the county's general  
9 corporate fund and 50% shall be disbursed to the entity  
10 authorized by law to receive the fine imposed in the case. Not  
11 later than March 1 of each year the circuit clerk shall submit  
12 a report of the amount of funds remitted to the State Treasurer  
13 under this Section during the preceding year based upon  
14 independent verification of fines and fees. All counties shall  
15 be subject to this Section, except that counties with a  
16 population under 2,000,000 may, by ordinance, elect not to be  
17 subject to this Section. For offenses subject to this Section,  
18 judges shall impose one total sum of money payable for  
19 violations. The circuit clerk may add on no additional amounts  
20 except for amounts that are required by Sections 27.3a and  
21 27.3c of this Act, Section 16-104c of the Illinois Vehicle  
22 Code, and subsection (a) of Section 5-1101 of the Counties  
23 Code, unless those amounts are specifically waived by the  
24 judge. With respect to money collected by the circuit clerk as  
25 a result of forfeiture of bail, ex parte judgment or guilty  
26 plea pursuant to Supreme Court Rule 529, the circuit clerk

1 shall first deduct and pay amounts required by Sections 27.3a  
2 and 27.3c of this Act. Unless a court ordered payment schedule  
3 is implemented or fee requirements are waived pursuant to a  
4 court order, the circuit clerk may add to any unpaid fees and  
5 costs a delinquency amount equal to 5% of the unpaid fees that  
6 remain unpaid after 30 days, 10% of the unpaid fees that remain  
7 unpaid after 60 days, and 15% of the unpaid fees that remain  
8 unpaid after 90 days. Notice to those parties may be made by  
9 signage posting or publication. The additional delinquency  
10 amounts collected under this Section shall be deposited in the  
11 Circuit Court Clerk Operation and Administrative Fund to be  
12 used to defray administrative costs incurred by the circuit  
13 clerk in performing the duties required to collect and disburse  
14 funds. This Section is a denial and limitation of home rule  
15 powers and functions under subsection (h) of Section 6 of  
16 Article VII of the Illinois Constitution.

17 (b) The following amounts must be remitted to the State  
18 Treasurer for deposit into the Illinois Animal Abuse Fund:

19 (1) 50% of the amounts collected for felony offenses  
20 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
21 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
22 Animals Act and Section 26-5 or 48-1 of the Criminal Code  
23 of 1961;

24 (2) 20% of the amounts collected for Class A and Class  
25 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
26 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care

1 for Animals Act and Section 26-5 or 48-1 of the Criminal  
2 Code of 1961; and

3 (3) 50% of the amounts collected for Class C  
4 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
5 for Animals Act and Section 26-5 or 48-1 of the Criminal  
6 Code of 1961.

7 (c) Any person who receives a disposition of court  
8 supervision for a violation of the Illinois Vehicle Code or a  
9 similar provision of a local ordinance shall, in addition to  
10 any other fines, fees, and court costs, pay an additional fee  
11 of \$29, to be disbursed as provided in Section 16-104c of the  
12 Illinois Vehicle Code. In addition to the fee of \$29, the  
13 person shall also pay a fee of \$6, if not waived by the court.  
14 If this \$6 fee is collected, \$5.50 of the fee shall be  
15 deposited into the Circuit Court Clerk Operation and  
16 Administrative Fund created by the Clerk of the Circuit Court  
17 and 50 cents of the fee shall be deposited into the Prisoner  
18 Review Board Vehicle and Equipment Fund in the State treasury.

19 (d) Any person convicted of, pleading guilty to, or placed  
20 on supervision for a serious traffic violation, as defined in  
21 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
22 Section 11-501 of the Illinois Vehicle Code, or a violation of  
23 a similar provision of a local ordinance shall pay an  
24 additional fee of \$35, to be disbursed as provided in Section  
25 16-104d of that Code.

26 This subsection (d) becomes inoperative 7 years after the

1 effective date of Public Act 95-154.

2 (e) In all counties having a population of 3,000,000 or  
3 more inhabitants:

4 (1) A person who is found guilty of or pleads guilty to  
5 violating subsection (a) of Section 11-501 of the Illinois  
6 Vehicle Code, including any person placed on court  
7 supervision for violating subsection (a), shall be fined  
8 \$750 as provided for by subsection (f) of Section 11-501.01  
9 of the Illinois Vehicle Code, payable to the circuit clerk,  
10 who shall distribute the money pursuant to subsection (f)  
11 of Section 11-501.01 of the Illinois Vehicle Code.

12 (2) When a crime laboratory DUI analysis fee of \$150,  
13 provided for by Section 5-9-1.9 of the Unified Code of  
14 Corrections is assessed, it shall be disbursed by the  
15 circuit clerk as provided by subsection (f) of Section  
16 5-9-1.9 of the Unified Code of Corrections.

17 (3) When a fine for a violation of subsection (a) of  
18 Section 11-605 of the Illinois Vehicle Code is \$150 or  
19 greater, the additional \$50 which is charged as provided  
20 for by subsection (f) of Section 11-605 of the Illinois  
21 Vehicle Code shall be disbursed by the circuit clerk to a  
22 school district or districts for school safety purposes as  
23 provided by subsection (f) of Section 11-605.

24 (4) When a fine for a violation of subsection (a) of  
25 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or  
26 greater, the additional \$50 which is charged as provided

1 for by subsection (c) of Section 11-1002.5 of the Illinois  
2 Vehicle Code shall be disbursed by the circuit clerk to a  
3 school district or districts for school safety purposes as  
4 provided by subsection (c) of Section 11-1002.5 of the  
5 Illinois Vehicle Code.

6 (5) When a mandatory drug court fee of up to \$5 is  
7 assessed as provided in subsection (f) of Section 5-1101 of  
8 the Counties Code, it shall be disbursed by the circuit  
9 clerk as provided in subsection (f) of Section 5-1101 of  
10 the Counties Code.

11 (6) When a mandatory teen court, peer jury, youth  
12 court, or other youth diversion program fee is assessed as  
13 provided in subsection (e) of Section 5-1101 of the  
14 Counties Code, it shall be disbursed by the circuit clerk  
15 as provided in subsection (e) of Section 5-1101 of the  
16 Counties Code.

17 (7) When a Children's Advocacy Center fee is assessed  
18 pursuant to subsection (f-5) of Section 5-1101 of the  
19 Counties Code, it shall be disbursed by the circuit clerk  
20 as provided in subsection (f-5) of Section 5-1101 of the  
21 Counties Code.

22 (8) When a victim impact panel fee is assessed pursuant  
23 to subsection (b) of Section 11-501.01 of the Illinois  
24 Vehicle Code, it shall be disbursed by the circuit clerk to  
25 the victim impact panel to be attended by the defendant.

26 (9) When a new fee collected in traffic cases is

1           enacted after January 1, 2010 (the effective date of Public  
2           Act 96-735), it shall be excluded from the percentage  
3           disbursement provisions of this Section unless otherwise  
4           indicated by law.

5           (f) Any person who receives a disposition of court  
6           supervision for a violation of Section 11-501 of the Illinois  
7           Vehicle Code shall, in addition to any other fines, fees, and  
8           court costs, pay an additional fee of \$50, which shall be  
9           collected by the circuit clerk and then remitted to the State  
10          Treasurer for deposit into the Roadside Memorial Fund, a  
11          special fund in the State treasury. However, the court may  
12          waive the fee if full restitution is complied with. Subject to  
13          appropriation, all moneys in the Roadside Memorial Fund shall  
14          be used by the Department of Transportation to pay fees imposed  
15          under subsection (f) of Section 20 of the Roadside Memorial  
16          Act. The fee shall be remitted by the circuit clerk within one  
17          month after receipt to the State Treasurer for deposit into the  
18          Roadside Memorial Fund.

19          (g) For any conviction or disposition of court supervision  
20          for a violation of Section 11-1429 of the Illinois Vehicle  
21          Code, the circuit clerk shall distribute the fines paid by the  
22          person as specified by subsection (h) of Section 11-1429 of the  
23          Illinois Vehicle Code.

24          (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;  
25          96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;  
26          96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.

1 1-1-11; 97-333, eff. 8-12-11.)

2 (705 ILCS 105/27.6)

3 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,  
4 96-667, 96-1175, 96-1342, and 97-434)

5 Sec. 27.6. (a) All fees, fines, costs, additional  
6 penalties, bail balances assessed or forfeited, and any other  
7 amount paid by a person to the circuit clerk equalling an  
8 amount of \$55 or more, except the fine imposed by Section  
9 5-9-1.15 of the Unified Code of Corrections, the additional fee  
10 required by subsections (b) and (c), restitution under Section  
11 5-5-6 of the Unified Code of Corrections, contributions to a  
12 local anti-crime program ordered pursuant to Section  
13 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
14 Corrections, reimbursement for the costs of an emergency  
15 response as provided under Section 11-501 of the Illinois  
16 Vehicle Code, any fees collected for attending a traffic safety  
17 program under paragraph (c) of Supreme Court Rule 529, any fee  
18 collected on behalf of a State's Attorney under Section 4-2002  
19 of the Counties Code or a sheriff under Section 4-5001 of the  
20 Counties Code, or any cost imposed under Section 124A-5 of the  
21 Code of Criminal Procedure of 1963, for convictions, orders of  
22 supervision, or any other disposition for a violation of  
23 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
24 similar provision of a local ordinance, and any violation of  
25 the Child Passenger Protection Act, or a similar provision of a

1 local ordinance, and except as otherwise provided in this  
2 Section shall be disbursed within 60 days after receipt by the  
3 circuit clerk as follows: 44.5% shall be disbursed to the  
4 entity authorized by law to receive the fine imposed in the  
5 case; 16.825% shall be disbursed to the State Treasurer; and  
6 38.675% shall be disbursed to the county's general corporate  
7 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
8 shall be deposited by the State Treasurer into the Violent  
9 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
10 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
11 be deposited into the Drivers Education Fund, and 6.948/17  
12 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
13 deposited into the Trauma Center Fund from the 16.825%  
14 disbursed to the State Treasurer, 50% shall be disbursed to the  
15 Department of Public Health and 50% shall be disbursed to the  
16 Department of Healthcare and Family Services. For fiscal year  
17 1993, amounts deposited into the Violent Crime Victims  
18 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
19 Fund, or the Drivers Education Fund shall not exceed 110% of  
20 the amounts deposited into those funds in fiscal year 1991. Any  
21 amount that exceeds the 110% limit shall be distributed as  
22 follows: 50% shall be disbursed to the county's general  
23 corporate fund and 50% shall be disbursed to the entity  
24 authorized by law to receive the fine imposed in the case. Not  
25 later than March 1 of each year the circuit clerk shall submit  
26 a report of the amount of funds remitted to the State Treasurer

1 under this Section during the preceding year based upon  
2 independent verification of fines and fees. All counties shall  
3 be subject to this Section, except that counties with a  
4 population under 2,000,000 may, by ordinance, elect not to be  
5 subject to this Section. For offenses subject to this Section,  
6 judges shall impose one total sum of money payable for  
7 violations. The circuit clerk may add on no additional amounts  
8 except for amounts that are required by Sections 27.3a and  
9 27.3c of this Act, unless those amounts are specifically waived  
10 by the judge. With respect to money collected by the circuit  
11 clerk as a result of forfeiture of bail, ex parte judgment or  
12 guilty plea pursuant to Supreme Court Rule 529, the circuit  
13 clerk shall first deduct and pay amounts required by Sections  
14 27.3a and 27.3c of this Act. This Section is a denial and  
15 limitation of home rule powers and functions under subsection  
16 (h) of Section 6 of Article VII of the Illinois Constitution.

17 (b) In addition to any other fines and court costs assessed  
18 by the courts, any person convicted or receiving an order of  
19 supervision for driving under the influence of alcohol or drugs  
20 shall pay an additional fee of \$100 to the clerk of the circuit  
21 court. This amount, less 2 1/2% that shall be used to defray  
22 administrative costs incurred by the clerk, shall be remitted  
23 by the clerk to the Treasurer within 60 days after receipt for  
24 deposit into the Trauma Center Fund. This additional fee of  
25 \$100 shall not be considered a part of the fine for purposes of  
26 any reduction in the fine for time served either before or

1 after sentencing. Not later than March 1 of each year the  
2 Circuit Clerk shall submit a report of the amount of funds  
3 remitted to the State Treasurer under this subsection during  
4 the preceding calendar year.

5 (b-1) In addition to any other fines and court costs  
6 assessed by the courts, any person convicted or receiving an  
7 order of supervision for driving under the influence of alcohol  
8 or drugs shall pay an additional fee of \$5 to the clerk of the  
9 circuit court. This amount, less 2 1/2% that shall be used to  
10 defray administrative costs incurred by the clerk, shall be  
11 remitted by the clerk to the Treasurer within 60 days after  
12 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
13 Research Trust Fund. This additional fee of \$5 shall not be  
14 considered a part of the fine for purposes of any reduction in  
15 the fine for time served either before or after sentencing. Not  
16 later than March 1 of each year the Circuit Clerk shall submit  
17 a report of the amount of funds remitted to the State Treasurer  
18 under this subsection during the preceding calendar year.

19 (c) In addition to any other fines and court costs assessed  
20 by the courts, any person convicted for a violation of Sections  
21 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
22 person sentenced for a violation of the Cannabis Control Act,  
23 the Illinois Controlled Substances Act, or the Methamphetamine  
24 Control and Community Protection Act shall pay an additional  
25 fee of \$100 to the clerk of the circuit court. This amount,  
26 less 2 1/2% that shall be used to defray administrative costs

1 incurred by the clerk, shall be remitted by the clerk to the  
2 Treasurer within 60 days after receipt for deposit into the  
3 Trauma Center Fund. This additional fee of \$100 shall not be  
4 considered a part of the fine for purposes of any reduction in  
5 the fine for time served either before or after sentencing. Not  
6 later than March 1 of each year the Circuit Clerk shall submit  
7 a report of the amount of funds remitted to the State Treasurer  
8 under this subsection during the preceding calendar year.

9 (c-1) In addition to any other fines and court costs  
10 assessed by the courts, any person sentenced for a violation of  
11 the Cannabis Control Act, the Illinois Controlled Substances  
12 Act, or the Methamphetamine Control and Community Protection  
13 Act shall pay an additional fee of \$5 to the clerk of the  
14 circuit court. This amount, less 2 1/2% that shall be used to  
15 defray administrative costs incurred by the clerk, shall be  
16 remitted by the clerk to the Treasurer within 60 days after  
17 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
18 Research Trust Fund. This additional fee of \$5 shall not be  
19 considered a part of the fine for purposes of any reduction in  
20 the fine for time served either before or after sentencing. Not  
21 later than March 1 of each year the Circuit Clerk shall submit  
22 a report of the amount of funds remitted to the State Treasurer  
23 under this subsection during the preceding calendar year.

24 (d) The following amounts must be remitted to the State  
25 Treasurer for deposit into the Illinois Animal Abuse Fund:

26 (1) 50% of the amounts collected for felony offenses

1 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
2 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
3 Animals Act and Section 26-5 or 48-1 of the Criminal Code  
4 of 1961;

5 (2) 20% of the amounts collected for Class A and Class  
6 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
7 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
8 for Animals Act and Section 26-5 or 48-1 of the Criminal  
9 Code of 1961; and

10 (3) 50% of the amounts collected for Class C  
11 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
12 for Animals Act and Section 26-5 or 48-1 of the Criminal  
13 Code of 1961.

14 (e) Any person who receives a disposition of court  
15 supervision for a violation of the Illinois Vehicle Code or a  
16 similar provision of a local ordinance shall, in addition to  
17 any other fines, fees, and court costs, pay an additional fee  
18 of \$29, to be disbursed as provided in Section 16-104c of the  
19 Illinois Vehicle Code. In addition to the fee of \$29, the  
20 person shall also pay a fee of \$6, if not waived by the court.  
21 If this \$6 fee is collected, \$5.50 of the fee shall be  
22 deposited into the Circuit Court Clerk Operation and  
23 Administrative Fund created by the Clerk of the Circuit Court  
24 and 50 cents of the fee shall be deposited into the Prisoner  
25 Review Board Vehicle and Equipment Fund in the State treasury.

26 (f) This Section does not apply to the additional child

1 pornography fines assessed and collected under Section  
2 5-9-1.14 of the Unified Code of Corrections.

3 (g) (Blank).

4 (h) (Blank).

5 (i) Of the amounts collected as fines under subsection (b)  
6 of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
7 deposited into the Illinois Military Family Relief Fund and 1%  
8 shall be deposited into the Circuit Court Clerk Operation and  
9 Administrative Fund created by the Clerk of the Circuit Court  
10 to be used to offset the costs incurred by the Circuit Court  
11 Clerk in performing the additional duties required to collect  
12 and disburse funds to entities of State and local government as  
13 provided by law.

14 (j) Any person convicted of, pleading guilty to, or placed  
15 on supervision for a serious traffic violation, as defined in  
16 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
17 Section 11-501 of the Illinois Vehicle Code, or a violation of  
18 a similar provision of a local ordinance shall pay an  
19 additional fee of \$35, to be disbursed as provided in Section  
20 16-104d of that Code.

21 This subsection (j) becomes inoperative 7 years after the  
22 effective date of Public Act 95-154.

23 (k) For any conviction or disposition of court supervision  
24 for a violation of Section 11-1429 of the Illinois Vehicle  
25 Code, the circuit clerk shall distribute the fines paid by the  
26 person as specified by subsection (h) of Section 11-1429 of the

1 Illinois Vehicle Code.

2 (1) Any person who receives a disposition of court  
3 supervision for a violation of Section 11-501 of the Illinois  
4 Vehicle Code or a similar provision of a local ordinance shall,  
5 in addition to any other fines, fees, and court costs, pay an  
6 additional fee of \$50, which shall be collected by the circuit  
7 clerk and then remitted to the State Treasurer for deposit into  
8 the Roadside Memorial Fund, a special fund in the State  
9 treasury. However, the court may waive the fee if full  
10 restitution is complied with. Subject to appropriation, all  
11 moneys in the Roadside Memorial Fund shall be used by the  
12 Department of Transportation to pay fees imposed under  
13 subsection (f) of Section 20 of the Roadside Memorial Act. The  
14 fee shall be remitted by the circuit clerk within one month  
15 after receipt to the State Treasurer for deposit into the  
16 Roadside Memorial Fund.

17 (m) Of the amounts collected as fines under subsection (c)  
18 of Section 411.4 of the Illinois Controlled Substances Act or  
19 subsection (c) of Section 90 of the Methamphetamine Control and  
20 Community Protection Act, 99% shall be deposited to the law  
21 enforcement agency or fund specified and 1% shall be deposited  
22 into the Circuit Court Clerk Operation and Administrative Fund  
23 to be used to offset the costs incurred by the Circuit Court  
24 Clerk in performing the additional duties required to collect  
25 and disburse funds to entities of State and local government as  
26 provided by law.

1 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
2 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
3 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.  
4 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,  
5 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

6 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,  
7 96-735, 96-1175, 96-1342, and 97-434)

8 Sec. 27.6. (a) All fees, fines, costs, additional  
9 penalties, bail balances assessed or forfeited, and any other  
10 amount paid by a person to the circuit clerk equalling an  
11 amount of \$55 or more, except the fine imposed by Section  
12 5-9-1.15 of the Unified Code of Corrections, the additional fee  
13 required by subsections (b) and (c), restitution under Section  
14 5-5-6 of the Unified Code of Corrections, contributions to a  
15 local anti-crime program ordered pursuant to Section  
16 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
17 Corrections, reimbursement for the costs of an emergency  
18 response as provided under Section 11-501 of the Illinois  
19 Vehicle Code, any fees collected for attending a traffic safety  
20 program under paragraph (c) of Supreme Court Rule 529, any fee  
21 collected on behalf of a State's Attorney under Section 4-2002  
22 of the Counties Code or a sheriff under Section 4-5001 of the  
23 Counties Code, or any cost imposed under Section 124A-5 of the  
24 Code of Criminal Procedure of 1963, for convictions, orders of  
25 supervision, or any other disposition for a violation of

1 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
2 similar provision of a local ordinance, and any violation of  
3 the Child Passenger Protection Act, or a similar provision of a  
4 local ordinance, and except as otherwise provided in this  
5 Section shall be disbursed within 60 days after receipt by the  
6 circuit clerk as follows: 44.5% shall be disbursed to the  
7 entity authorized by law to receive the fine imposed in the  
8 case; 16.825% shall be disbursed to the State Treasurer; and  
9 38.675% shall be disbursed to the county's general corporate  
10 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
11 shall be deposited by the State Treasurer into the Violent  
12 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
13 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
14 be deposited into the Drivers Education Fund, and 6.948/17  
15 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
16 deposited into the Trauma Center Fund from the 16.825%  
17 disbursed to the State Treasurer, 50% shall be disbursed to the  
18 Department of Public Health and 50% shall be disbursed to the  
19 Department of Healthcare and Family Services. For fiscal year  
20 1993, amounts deposited into the Violent Crime Victims  
21 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
22 Fund, or the Drivers Education Fund shall not exceed 110% of  
23 the amounts deposited into those funds in fiscal year 1991. Any  
24 amount that exceeds the 110% limit shall be distributed as  
25 follows: 50% shall be disbursed to the county's general  
26 corporate fund and 50% shall be disbursed to the entity

1 authorized by law to receive the fine imposed in the case. Not  
2 later than March 1 of each year the circuit clerk shall submit  
3 a report of the amount of funds remitted to the State Treasurer  
4 under this Section during the preceding year based upon  
5 independent verification of fines and fees. All counties shall  
6 be subject to this Section, except that counties with a  
7 population under 2,000,000 may, by ordinance, elect not to be  
8 subject to this Section. For offenses subject to this Section,  
9 judges shall impose one total sum of money payable for  
10 violations. The circuit clerk may add on no additional amounts  
11 except for amounts that are required by Sections 27.3a and  
12 27.3c of this Act, Section 16-104c of the Illinois Vehicle  
13 Code, and subsection (a) of Section 5-1101 of the Counties  
14 Code, unless those amounts are specifically waived by the  
15 judge. With respect to money collected by the circuit clerk as  
16 a result of forfeiture of bail, ex parte judgment or guilty  
17 plea pursuant to Supreme Court Rule 529, the circuit clerk  
18 shall first deduct and pay amounts required by Sections 27.3a  
19 and 27.3c of this Act. Unless a court ordered payment schedule  
20 is implemented or fee requirements are waived pursuant to court  
21 order, the clerk of the court may add to any unpaid fees and  
22 costs a delinquency amount equal to 5% of the unpaid fees that  
23 remain unpaid after 30 days, 10% of the unpaid fees that remain  
24 unpaid after 60 days, and 15% of the unpaid fees that remain  
25 unpaid after 90 days. Notice to those parties may be made by  
26 signage posting or publication. The additional delinquency

1 amounts collected under this Section shall be deposited in the  
2 Circuit Court Clerk Operation and Administrative Fund to be  
3 used to defray administrative costs incurred by the circuit  
4 clerk in performing the duties required to collect and disburse  
5 funds. This Section is a denial and limitation of home rule  
6 powers and functions under subsection (h) of Section 6 of  
7 Article VII of the Illinois Constitution.

8 (b) In addition to any other fines and court costs assessed  
9 by the courts, any person convicted or receiving an order of  
10 supervision for driving under the influence of alcohol or drugs  
11 shall pay an additional fee of \$100 to the clerk of the circuit  
12 court. This amount, less 2 1/2% that shall be used to defray  
13 administrative costs incurred by the clerk, shall be remitted  
14 by the clerk to the Treasurer within 60 days after receipt for  
15 deposit into the Trauma Center Fund. This additional fee of  
16 \$100 shall not be considered a part of the fine for purposes of  
17 any reduction in the fine for time served either before or  
18 after sentencing. Not later than March 1 of each year the  
19 Circuit Clerk shall submit a report of the amount of funds  
20 remitted to the State Treasurer under this subsection during  
21 the preceding calendar year.

22 (b-1) In addition to any other fines and court costs  
23 assessed by the courts, any person convicted or receiving an  
24 order of supervision for driving under the influence of alcohol  
25 or drugs shall pay an additional fee of \$5 to the clerk of the  
26 circuit court. This amount, less 2 1/2% that shall be used to

1 defray administrative costs incurred by the clerk, shall be  
2 remitted by the clerk to the Treasurer within 60 days after  
3 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
4 Research Trust Fund. This additional fee of \$5 shall not be  
5 considered a part of the fine for purposes of any reduction in  
6 the fine for time served either before or after sentencing. Not  
7 later than March 1 of each year the Circuit Clerk shall submit  
8 a report of the amount of funds remitted to the State Treasurer  
9 under this subsection during the preceding calendar year.

10 (c) In addition to any other fines and court costs assessed  
11 by the courts, any person convicted for a violation of Sections  
12 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a  
13 person sentenced for a violation of the Cannabis Control Act,  
14 the Illinois Controlled Substances Act, or the Methamphetamine  
15 Control and Community Protection Act shall pay an additional  
16 fee of \$100 to the clerk of the circuit court. This amount,  
17 less 2 1/2% that shall be used to defray administrative costs  
18 incurred by the clerk, shall be remitted by the clerk to the  
19 Treasurer within 60 days after receipt for deposit into the  
20 Trauma Center Fund. This additional fee of \$100 shall not be  
21 considered a part of the fine for purposes of any reduction in  
22 the fine for time served either before or after sentencing. Not  
23 later than March 1 of each year the Circuit Clerk shall submit  
24 a report of the amount of funds remitted to the State Treasurer  
25 under this subsection during the preceding calendar year.

26 (c-1) In addition to any other fines and court costs

1 assessed by the courts, any person sentenced for a violation of  
2 the Cannabis Control Act, the Illinois Controlled Substances  
3 Act, or the Methamphetamine Control and Community Protection  
4 Act shall pay an additional fee of \$5 to the clerk of the  
5 circuit court. This amount, less 2 1/2% that shall be used to  
6 defray administrative costs incurred by the clerk, shall be  
7 remitted by the clerk to the Treasurer within 60 days after  
8 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
9 Research Trust Fund. This additional fee of \$5 shall not be  
10 considered a part of the fine for purposes of any reduction in  
11 the fine for time served either before or after sentencing. Not  
12 later than March 1 of each year the Circuit Clerk shall submit  
13 a report of the amount of funds remitted to the State Treasurer  
14 under this subsection during the preceding calendar year.

15 (d) The following amounts must be remitted to the State  
16 Treasurer for deposit into the Illinois Animal Abuse Fund:

17 (1) 50% of the amounts collected for felony offenses  
18 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
19 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
20 Animals Act and Section 26-5 or 48-1 of the Criminal Code  
21 of 1961;

22 (2) 20% of the amounts collected for Class A and Class  
23 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
24 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
25 for Animals Act and Section 26-5 or 48-1 of the Criminal  
26 Code of 1961; and

1           (3) 50% of the amounts collected for Class C  
2           misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
3           for Animals Act and Section 26-5 or 48-1 of the Criminal  
4           Code of 1961.

5           (e) Any person who receives a disposition of court  
6           supervision for a violation of the Illinois Vehicle Code or a  
7           similar provision of a local ordinance shall, in addition to  
8           any other fines, fees, and court costs, pay an additional fee  
9           of \$29, to be disbursed as provided in Section 16-104c of the  
10          Illinois Vehicle Code. In addition to the fee of \$29, the  
11          person shall also pay a fee of \$6, if not waived by the court.  
12          If this \$6 fee is collected, \$5.50 of the fee shall be  
13          deposited into the Circuit Court Clerk Operation and  
14          Administrative Fund created by the Clerk of the Circuit Court  
15          and 50 cents of the fee shall be deposited into the Prisoner  
16          Review Board Vehicle and Equipment Fund in the State treasury.

17          (f) This Section does not apply to the additional child  
18          pornography fines assessed and collected under Section  
19          5-9-1.14 of the Unified Code of Corrections.

20          (g) Any person convicted of or pleading guilty to a serious  
21          traffic violation, as defined in Section 1-187.001 of the  
22          Illinois Vehicle Code, shall pay an additional fee of \$35, to  
23          be disbursed as provided in Section 16-104d of that Code. This  
24          subsection (g) becomes inoperative 7 years after the effective  
25          date of Public Act 95-154.

26          (h) In all counties having a population of 3,000,000 or

1 more inhabitants,

2 (1) A person who is found guilty of or pleads guilty to  
3 violating subsection (a) of Section 11-501 of the Illinois  
4 Vehicle Code, including any person placed on court  
5 supervision for violating subsection (a), shall be fined  
6 \$750 as provided for by subsection (f) of Section 11-501.01  
7 of the Illinois Vehicle Code, payable to the circuit clerk,  
8 who shall distribute the money pursuant to subsection (f)  
9 of Section 11-501.01 of the Illinois Vehicle Code.

10 (2) When a crime laboratory DUI analysis fee of \$150,  
11 provided for by Section 5-9-1.9 of the Unified Code of  
12 Corrections is assessed, it shall be disbursed by the  
13 circuit clerk as provided by subsection (f) of Section  
14 5-9-1.9 of the Unified Code of Corrections.

15 (3) When a fine for a violation of Section 11-605.1 of  
16 the Illinois Vehicle Code is \$250 or greater, the person  
17 who violated that Section shall be charged an additional  
18 \$125 as provided for by subsection (e) of Section 11-605.1  
19 of the Illinois Vehicle Code, which shall be disbursed by  
20 the circuit clerk to a State or county Transportation  
21 Safety Highway Hire-back Fund as provided by subsection (e)  
22 of Section 11-605.1 of the Illinois Vehicle Code.

23 (4) When a fine for a violation of subsection (a) of  
24 Section 11-605 of the Illinois Vehicle Code is \$150 or  
25 greater, the additional \$50 which is charged as provided  
26 for by subsection (f) of Section 11-605 of the Illinois

1 Vehicle Code shall be disbursed by the circuit clerk to a  
2 school district or districts for school safety purposes as  
3 provided by subsection (f) of Section 11-605.

4 (5) When a fine for a violation of subsection (a) of  
5 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or  
6 greater, the additional \$50 which is charged as provided  
7 for by subsection (c) of Section 11-1002.5 of the Illinois  
8 Vehicle Code shall be disbursed by the circuit clerk to a  
9 school district or districts for school safety purposes as  
10 provided by subsection (c) of Section 11-1002.5 of the  
11 Illinois Vehicle Code.

12 (6) When a mandatory drug court fee of up to \$5 is  
13 assessed as provided in subsection (f) of Section 5-1101 of  
14 the Counties Code, it shall be disbursed by the circuit  
15 clerk as provided in subsection (f) of Section 5-1101 of  
16 the Counties Code.

17 (7) When a mandatory teen court, peer jury, youth  
18 court, or other youth diversion program fee is assessed as  
19 provided in subsection (e) of Section 5-1101 of the  
20 Counties Code, it shall be disbursed by the circuit clerk  
21 as provided in subsection (e) of Section 5-1101 of the  
22 Counties Code.

23 (8) When a Children's Advocacy Center fee is assessed  
24 pursuant to subsection (f-5) of Section 5-1101 of the  
25 Counties Code, it shall be disbursed by the circuit clerk  
26 as provided in subsection (f-5) of Section 5-1101 of the

1 Counties Code.

2 (9) When a victim impact panel fee is assessed pursuant  
3 to subsection (b) of Section 11-501.01 of the Vehicle Code,  
4 it shall be disbursed by the circuit clerk to the victim  
5 impact panel to be attended by the defendant.

6 (10) When a new fee collected in traffic cases is  
7 enacted after the effective date of this subsection (h), it  
8 shall be excluded from the percentage disbursement  
9 provisions of this Section unless otherwise indicated by  
10 law.

11 (i) Of the amounts collected as fines under subsection (b)  
12 of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
13 deposited into the Illinois Military Family Relief Fund and 1%  
14 shall be deposited into the Circuit Court Clerk Operation and  
15 Administrative Fund created by the Clerk of the Circuit Court  
16 to be used to offset the costs incurred by the Circuit Court  
17 Clerk in performing the additional duties required to collect  
18 and disburse funds to entities of State and local government as  
19 provided by law.

20 (j) (Blank).

21 (k) For any conviction or disposition of court supervision  
22 for a violation of Section 11-1429 of the Illinois Vehicle  
23 Code, the circuit clerk shall distribute the fines paid by the  
24 person as specified by subsection (h) of Section 11-1429 of the  
25 Illinois Vehicle Code.

26 (l) Any person who receives a disposition of court

1 supervision for a violation of Section 11-501 of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance shall,  
3 in addition to any other fines, fees, and court costs, pay an  
4 additional fee of \$50, which shall be collected by the circuit  
5 clerk and then remitted to the State Treasurer for deposit into  
6 the Roadside Memorial Fund, a special fund in the State  
7 treasury. However, the court may waive the fee if full  
8 restitution is complied with. Subject to appropriation, all  
9 moneys in the Roadside Memorial Fund shall be used by the  
10 Department of Transportation to pay fees imposed under  
11 subsection (f) of Section 20 of the Roadside Memorial Act. The  
12 fee shall be remitted by the circuit clerk within one month  
13 after receipt to the State Treasurer for deposit into the  
14 Roadside Memorial Fund.

15 (m) Of the amounts collected as fines under subsection (c)  
16 of Section 411.4 of the Illinois Controlled Substances Act or  
17 subsection (c) of Section 90 of the Methamphetamine Control and  
18 Community Protection Act, 99% shall be deposited to the law  
19 enforcement agency or fund specified and 1% shall be deposited  
20 into the Circuit Court Clerk Operation and Administrative Fund  
21 to be used to offset the costs incurred by the Circuit Court  
22 Clerk in performing the additional duties required to collect  
23 and disburse funds to entities of State and local government as  
24 provided by law.

25 (Source: P.A. 96-576, eff. 8-18-09; 96-578, eff. 8-18-09;  
26 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;

1 96-1175, eff. 9-20-10; 96-1342, eff. 1-1-11; 97-434, eff.  
2 1-1-12.)

3 Section 15-25. The Juvenile Court Act of 1987 is amended by  
4 changing Sections 3-40 and 5-715 as follows:

5 (705 ILCS 405/3-40)

6 Sec. 3-40. Minors involved in electronic dissemination of  
7 indecent visual depictions in need of supervision.

8 (a) For the purposes of this Section:

9 "Computer" has the meaning ascribed to it in Section 17-0.5  
10 ~~16D-2~~ of the Criminal Code of 1961.

11 "Electronic communication device" means an electronic  
12 device, including but not limited to a wireless telephone,  
13 personal digital assistant, or a portable or mobile computer,  
14 that is capable of transmitting images or pictures.

15 "Indecent visual depiction" means a depiction or portrayal  
16 in any pose, posture, or setting involving a lewd exhibition of  
17 the unclothed or transparently clothed genitals, pubic area,  
18 buttocks, or, if such person is female, a fully or partially  
19 developed breast of the person.

20 "Minor" means a person under 18 years of age.

21 (b) A minor shall not distribute or disseminate an indecent  
22 visual depiction of another minor through the use of a computer  
23 or electronic communication device.

24 (c) Adjudication. A minor who violates subsection (b) of

1 this Section may be subject to a petition for adjudication and  
2 adjudged a minor in need of supervision.

3 (d) Kinds of dispositional orders. A minor found to be in  
4 need of supervision under this Section may be:

5 (1) ordered to obtain counseling or other supportive  
6 services to address the acts that led to the need for  
7 supervision; or

8 (2) ordered to perform community service.

9 (e) Nothing in this Section shall be construed to prohibit  
10 a prosecution for disorderly conduct, public indecency, child  
11 pornography, a violation of Article 26.5 ~~the~~ Harassing and  
12 Obscene Communications of the Criminal Code of 1961 Act, or any  
13 other applicable provision of law.

14 (Source: P.A. 96-1087, eff. 1-1-11.)

15 (705 ILCS 405/5-715)

16 Sec. 5-715. Probation.

17 (1) The period of probation or conditional discharge shall  
18 not exceed 5 years or until the minor has attained the age of  
19 21 years, whichever is less, except as provided in this Section  
20 for a minor who is found to be guilty for an offense which is  
21 first degree murder, a Class X felony or a forcible felony. The  
22 juvenile court may terminate probation or conditional  
23 discharge and discharge the minor at any time if warranted by  
24 the conduct of the minor and the ends of justice; provided,  
25 however, that the period of probation for a minor who is found

1 to be guilty for an offense which is first degree murder, a  
2 Class X felony, or a forcible felony shall be at least 5 years.

3 (2) The court may as a condition of probation or of  
4 conditional discharge require that the minor:

5 (a) not violate any criminal statute of any  
6 jurisdiction;

7 (b) make a report to and appear in person before any  
8 person or agency as directed by the court;

9 (c) work or pursue a course of study or vocational  
10 training;

11 (d) undergo medical or psychiatric treatment, rendered  
12 by a psychiatrist or psychological treatment rendered by a  
13 clinical psychologist or social work services rendered by a  
14 clinical social worker, or treatment for drug addiction or  
15 alcoholism;

16 (e) attend or reside in a facility established for the  
17 instruction or residence of persons on probation;

18 (f) support his or her dependents, if any;

19 (g) refrain from possessing a firearm or other  
20 dangerous weapon, or an automobile;

21 (h) permit the probation officer to visit him or her at  
22 his or her home or elsewhere;

23 (i) reside with his or her parents or in a foster home;

24 (j) attend school;

25 (j-5) with the consent of the superintendent of the  
26 facility, attend an educational program at a facility other

1 than the school in which the offense was committed if he or  
2 she committed a crime of violence as defined in Section 2  
3 of the Crime Victims Compensation Act in a school, on the  
4 real property comprising a school, or within 1,000 feet of  
5 the real property comprising a school;

6 (k) attend a non-residential program for youth;

7 (l) make restitution under the terms of subsection (4)  
8 of Section 5-710;

9 (m) contribute to his or her own support at home or in  
10 a foster home;

11 (n) perform some reasonable public or community  
12 service;

13 (o) participate with community corrections programs  
14 including unified delinquency intervention services  
15 administered by the Department of Human Services subject to  
16 Section 5 of the Children and Family Services Act;

17 (p) pay costs;

18 (q) serve a term of home confinement. In addition to  
19 any other applicable condition of probation or conditional  
20 discharge, the conditions of home confinement shall be that  
21 the minor:

22 (i) remain within the interior premises of the  
23 place designated for his or her confinement during the  
24 hours designated by the court;

25 (ii) admit any person or agent designated by the  
26 court into the minor's place of confinement at any time

1 for purposes of verifying the minor's compliance with  
2 the conditions of his or her confinement; and

3 (iii) use an approved electronic monitoring device  
4 if ordered by the court subject to Article 8A of  
5 Chapter V of the Unified Code of Corrections;

6 (r) refrain from entering into a designated geographic  
7 area except upon terms as the court finds appropriate. The  
8 terms may include consideration of the purpose of the  
9 entry, the time of day, other persons accompanying the  
10 minor, and advance approval by a probation officer, if the  
11 minor has been placed on probation, or advance approval by  
12 the court, if the minor has been placed on conditional  
13 discharge;

14 (s) refrain from having any contact, directly or  
15 indirectly, with certain specified persons or particular  
16 types of persons, including but not limited to members of  
17 street gangs and drug users or dealers;

18 (s-5) undergo a medical or other procedure to have a  
19 tattoo symbolizing allegiance to a street gang removed from  
20 his or her body;

21 (t) refrain from having in his or her body the presence  
22 of any illicit drug prohibited by the Cannabis Control Act,  
23 the Illinois Controlled Substances Act, or the  
24 Methamphetamine Control and Community Protection Act,  
25 unless prescribed by a physician, and shall submit samples  
26 of his or her blood or urine or both for tests to determine

1 the presence of any illicit drug; or

2 (u) comply with other conditions as may be ordered by  
3 the court.

4 (3) The court may as a condition of probation or of  
5 conditional discharge require that a minor found guilty on any  
6 alcohol, cannabis, methamphetamine, or controlled substance  
7 violation, refrain from acquiring a driver's license during the  
8 period of probation or conditional discharge. If the minor is  
9 in possession of a permit or license, the court may require  
10 that the minor refrain from driving or operating any motor  
11 vehicle during the period of probation or conditional  
12 discharge, except as may be necessary in the course of the  
13 minor's lawful employment.

14 (3.5) The court shall, as a condition of probation or of  
15 conditional discharge, require that a minor found to be guilty  
16 and placed on probation for reasons that include a violation of  
17 Section 3.02 or Section 3.03 of the Humane Care for Animals Act  
18 or paragraph (4) ~~(d)~~ of subsection (a) ~~(1)~~ of Section 21-1 of  
19 the Criminal Code of 1961 undergo medical or psychiatric  
20 treatment rendered by a psychiatrist or psychological  
21 treatment rendered by a clinical psychologist. The condition  
22 may be in addition to any other condition.

23 (3.10) The court shall order that a minor placed on  
24 probation or conditional discharge for a sex offense as defined  
25 in the Sex Offender Management Board Act undergo and  
26 successfully complete sex offender treatment. The treatment

1 shall be in conformance with the standards developed under the  
2 Sex Offender Management Board Act and conducted by a treatment  
3 provider approved by the Board. The treatment shall be at the  
4 expense of the person evaluated based upon that person's  
5 ability to pay for the treatment.

6 (4) A minor on probation or conditional discharge shall be  
7 given a certificate setting forth the conditions upon which he  
8 or she is being released.

9 (5) The court shall impose upon a minor placed on probation  
10 or conditional discharge, as a condition of the probation or  
11 conditional discharge, a fee of \$50 for each month of probation  
12 or conditional discharge supervision ordered by the court,  
13 unless after determining the inability of the minor placed on  
14 probation or conditional discharge to pay the fee, the court  
15 assesses a lesser amount. The court may not impose the fee on a  
16 minor who is made a ward of the State under this Act while the  
17 minor is in placement. The fee shall be imposed only upon a  
18 minor who is actively supervised by the probation and court  
19 services department. The court may order the parent, guardian,  
20 or legal custodian of the minor to pay some or all of the fee on  
21 the minor's behalf.

22 (6) The General Assembly finds that in order to protect the  
23 public, the juvenile justice system must compel compliance with  
24 the conditions of probation by responding to violations with  
25 swift, certain, and fair punishments and intermediate  
26 sanctions. The Chief Judge of each circuit shall adopt a system

1 of structured, intermediate sanctions for violations of the  
2 terms and conditions of a sentence of supervision, probation or  
3 conditional discharge, under this Act.

4 The court shall provide as a condition of a disposition of  
5 probation, conditional discharge, or supervision, that the  
6 probation agency may invoke any sanction from the list of  
7 intermediate sanctions adopted by the chief judge of the  
8 circuit court for violations of the terms and conditions of the  
9 sentence of probation, conditional discharge, or supervision,  
10 subject to the provisions of Section 5-720 of this Act.

11 (Source: P.A. 96-1414, eff. 1-1-11.)

12 Section 15-30. The Code of Criminal Procedure of 1963 is  
13 amended by changing Sections 111-8, 115-10, 115-10.3, 124B-10,  
14 124B-100, 124B-600, 124B-700, 124B-710, and 124B-905 as  
15 follows:

16 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

17 Sec. 111-8. Orders of protection to prohibit domestic  
18 violence.

19 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,  
20 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
21 11-1.60, 11-14.3 that involves soliciting for a prostitute,  
22 11-14.4 that involves soliciting for a juvenile prostitute,  
23 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,  
24 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,

1 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,  
2 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,  
3 21-2, ~~or~~ 21-3, or 26.5-2 of the Criminal Code of 1961 or  
4 Section 1-1 of the Harassing and Obscene Communications Act is  
5 alleged in an information, complaint or indictment on file, and  
6 the alleged offender and victim are family or household  
7 members, as defined in the Illinois Domestic Violence Act, as  
8 now or hereafter amended, the People through the respective  
9 State's Attorneys may by separate petition and upon notice to  
10 the defendant, except as provided in subsection (c) herein,  
11 request the court to issue an order of protection.

12 (b) In addition to any other remedies specified in Section  
13 208 of the Illinois Domestic Violence Act, as now or hereafter  
14 amended, the order may direct the defendant to initiate no  
15 contact with the alleged victim or victims who are family or  
16 household members and to refrain from entering the residence,  
17 school or place of business of the alleged victim or victims.

18 (c) The court may grant emergency relief without notice  
19 upon a showing of immediate and present danger of abuse to the  
20 victim or minor children of the victim and may enter a  
21 temporary order pending notice and full hearing on the matter.

22 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
23 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; revised  
24 9-30-11.)

1           Sec. 115-10. Certain hearsay exceptions.

2           (a) In a prosecution for a physical or sexual act  
3 perpetrated upon or against a child under the age of 13, or a  
4 person who was a moderately, severely, or profoundly  
5 intellectually disabled person as defined in this Code and in  
6 Section 2-10.1 of the Criminal Code of 1961 at the time the act  
7 was committed, including but not limited to prosecutions for  
8 violations of Sections 11-1.20 through 11-1.60 or 12-13 through  
9 12-16 of the Criminal Code of 1961 and prosecutions for  
10 violations of Sections 10-1 (kidnapping), 10-2 (aggravated  
11 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated  
12 unlawful restraint), 10-4 (forcible detention), 10-5 (child  
13 abduction), 10-6 (harboring a runaway), 10-7 (aiding or  
14 abetting child abduction), 11-9 (public indecency), 11-11  
15 (sexual relations within families), 11-21 (harmful material),  
16 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),  
17 12-3.2 (domestic battery), 12-3.3 (aggravated domestic  
18 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1  
19 (heinous battery), 12-4.2 (aggravated battery with a firearm),  
20 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced  
21 infliction of great bodily harm), 12-5 (reckless conduct), 12-6  
22 (intimidation), 12-6.1 or 12-6.5 (compelling organization  
23 membership of persons), 12-7.1 (hate crime), 12-7.3  
24 (stalking), 12-7.4 (aggravated stalking), 12-10 (tattooing  
25 body of minor), 12-11 or 19-6 (home invasion), 12-21.5 (child  
26 abandonment), 12-21.6 (endangering the life or health of a

1 child) or 12-32 (ritual mutilation) of the Criminal Code of  
2 1961 or any sex offense as defined in subsection (B) of Section  
3 2 of the Sex Offender Registration Act, the following evidence  
4 shall be admitted as an exception to the hearsay rule:

5 (1) testimony by the victim of an out of court  
6 statement made by the victim that he or she complained of  
7 such act to another; and

8 (2) testimony of an out of court statement made by the  
9 victim describing any complaint of such act or matter or  
10 detail pertaining to any act which is an element of an  
11 offense which is the subject of a prosecution for a sexual  
12 or physical act against that victim.

13 (b) Such testimony shall only be admitted if:

14 (1) The court finds in a hearing conducted outside the  
15 presence of the jury that the time, content, and  
16 circumstances of the statement provide sufficient  
17 safeguards of reliability; and

18 (2) The child or moderately, severely, or profoundly  
19 intellectually disabled person either:

20 (A) testifies at the proceeding; or

21 (B) is unavailable as a witness and there is  
22 corroborative evidence of the act which is the subject  
23 of the statement; and

24 (3) In a case involving an offense perpetrated against  
25 a child under the age of 13, the out of court statement was  
26 made before the victim attained 13 years of age or within 3

1 months after the commission of the offense, whichever  
2 occurs later, but the statement may be admitted regardless  
3 of the age of the victim at the time of the proceeding.

4 (c) If a statement is admitted pursuant to this Section,  
5 the court shall instruct the jury that it is for the jury to  
6 determine the weight and credibility to be given the statement  
7 and that, in making the determination, it shall consider the  
8 age and maturity of the child, or the intellectual capabilities  
9 of the moderately, severely, or profoundly intellectually  
10 disabled person, the nature of the statement, the circumstances  
11 under which the statement was made, and any other relevant  
12 factor.

13 (d) The proponent of the statement shall give the adverse  
14 party reasonable notice of his intention to offer the statement  
15 and the particulars of the statement.

16 (e) Statements described in paragraphs (1) and (2) of  
17 subsection (a) shall not be excluded on the basis that they  
18 were obtained as a result of interviews conducted pursuant to a  
19 protocol adopted by a Child Advocacy Advisory Board as set  
20 forth in subsections (c), (d), and (e) of Section 3 of the  
21 Children's Advocacy Center Act or that an interviewer or  
22 witness to the interview was or is an employee, agent, or  
23 investigator of a State's Attorney's office.

24 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10;  
25 96-1551, Article 1, Section 965, eff. 7-1-11; 96-1551, Article  
26 2, Section 1040, eff. 7-1-11; 97-227, eff. 1-1-12; revised

1 9-14-11.)

2 (725 ILCS 5/115-10.3)

3 Sec. 115-10.3. Hearsay exception regarding elder adults.

4 (a) In a prosecution for a physical act, abuse, neglect, or  
5 financial exploitation perpetrated upon or against an eligible  
6 adult, as defined in the Elder Abuse and Neglect Act, who has  
7 been diagnosed by a physician to suffer from (i) any form of  
8 dementia, developmental disability, or other form of mental  
9 incapacity or (ii) any physical infirmity, including but not  
10 limited to prosecutions for violations of Sections 10-1, 10-2,  
11 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
12 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3,  
13 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6,  
14 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16,  
15 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4,  
16 18-5, 18-6, 19-6, 20-1.1, 24-1.2, and 33A-2, or subsection (b)  
17 of Section 12-4.4a, of the Criminal Code of 1961, the following  
18 evidence shall be admitted as an exception to the hearsay rule:

19 (1) testimony by an eligible adult, of an out of court  
20 statement made by the eligible adult, that he or she  
21 complained of such act to another; and

22 (2) testimony of an out of court statement made by the  
23 eligible adult, describing any complaint of such act or  
24 matter or detail pertaining to any act which is an element  
25 of an offense which is the subject of a prosecution for a

1 physical act, abuse, neglect, or financial exploitation  
2 perpetrated upon or against the eligible adult.

3 (b) Such testimony shall only be admitted if:

4 (1) The court finds in a hearing conducted outside the  
5 presence of the jury that the time, content, and  
6 circumstances of the statement provide sufficient  
7 safeguards of reliability; and

8 (2) The eligible adult either:

9 (A) testifies at the proceeding; or

10 (B) is unavailable as a witness and there is  
11 corroborative evidence of the act which is the subject  
12 of the statement.

13 (c) If a statement is admitted pursuant to this Section,  
14 the court shall instruct the jury that it is for the jury to  
15 determine the weight and credibility to be given the statement  
16 and that, in making the determination, it shall consider the  
17 condition of the eligible adult, the nature of the statement,  
18 the circumstances under which the statement was made, and any  
19 other relevant factor.

20 (d) The proponent of the statement shall give the adverse  
21 party reasonable notice of his or her intention to offer the  
22 statement and the particulars of the statement.

23 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
24 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article  
25 10, Section 10-145, eff. 7-1-11; revised 9-30-11.)

1 (725 ILCS 5/124B-10)

2 Sec. 124B-10. Applicability; offenses. This Article  
3 applies to forfeiture of property in connection with the  
4 following:

5 (1) A violation of Section 10A-10 of the Criminal Code  
6 of 1961 (involuntary servitude; involuntary servitude of a  
7 minor; trafficking of persons for forced labor or  
8 services).

9 (2) A violation of subdivision (a)(1) of Section  
10 11-14.4 of the Criminal Code of 1961 (promoting juvenile  
11 prostitution) or a violation of Section 11-17.1 of the  
12 Criminal Code of 1961 (keeping a place of juvenile  
13 prostitution).

14 (3) A violation of subdivision (a)(4) of Section  
15 11-14.4 of the Criminal Code of 1961 (promoting juvenile  
16 prostitution) or a violation of Section 11-19.2 of the  
17 Criminal Code of 1961 (exploitation of a child).

18 (4) A violation of Section 11-20 of the Criminal Code  
19 of 1961 (obscenity).

20 (5) A second or subsequent violation of Section 11-20.1  
21 of the Criminal Code of 1961 (child pornography).

22 (6) A violation of Section 11-20.1B or 11-20.3 of the  
23 Criminal Code of 1961 (aggravated child pornography).

24 (7) A violation of Section 17-50 ~~16D-5~~ of the Criminal  
25 Code of 1961 (computer fraud).

26 (8) A felony violation of Section 17-6.3 ~~Article 17B~~ of

1 the Criminal Code of 1961 (WIC fraud).

2 (9) A felony violation of Section 48-1 ~~26-5~~ of the  
3 Criminal Code of 1961 (dog fighting).

4 (10) A violation of Article 29D of the Criminal Code of  
5 1961 (terrorism).

6 (11) A felony violation of Section 4.01 of the Humane  
7 Care for Animals Act (animals in entertainment).

8 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

9 (725 ILCS 5/124B-100)

10 Sec. 124B-100. Definition; "offense". For purposes of this  
11 Article, "offense" is defined as follows:

12 (1) In the case of forfeiture authorized under Section  
13 10A-15 of the Criminal Code of 1961, "offense" means the  
14 offense of involuntary servitude, involuntary servitude of  
15 a minor, or trafficking of persons for forced labor or  
16 services in violation of Section 10A-10 of that Code.

17 (2) In the case of forfeiture authorized under  
18 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,  
19 of the Criminal Code of 1961, "offense" means the offense  
20 of promoting juvenile prostitution or keeping a place of  
21 juvenile prostitution in violation of subdivision (a)(1)  
22 of Section 11-14.4, or Section 11-17.1, of that Code.

23 (3) In the case of forfeiture authorized under  
24 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,  
25 of the Criminal Code of 1961, "offense" means the offense

1 of promoting juvenile prostitution or exploitation of a  
2 child in violation of subdivision (a)(4) of Section  
3 11-14.4, or Section 11-19.2, of that Code.

4 (4) In the case of forfeiture authorized under Section  
5 11-20 of the Criminal Code of 1961, "offense" means the  
6 offense of obscenity in violation of that Section.

7 (5) In the case of forfeiture authorized under Section  
8 11-20.1 of the Criminal Code of 1961, "offense" means the  
9 offense of child pornography in violation of Section  
10 11-20.1 of that Code.

11 (6) In the case of forfeiture authorized under Section  
12 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"  
13 means the offense of aggravated child pornography in  
14 violation of Section 11-20.1B or 11-20.3 of that Code.

15 (7) In the case of forfeiture authorized under Section  
16 17-50 ~~16D-6~~ of the Criminal Code of 1961, "offense" means  
17 the offense of computer fraud in violation of Section 17-50  
18 ~~16D-5~~ of that Code.

19 (8) In the case of forfeiture authorized under Section  
20 17-6.3 ~~17B-25~~ of the Criminal Code of 1961, "offense" means  
21 any felony violation of Section 17-6.3 ~~Article 17B~~ of that  
22 Code.

23 (9) In the case of forfeiture authorized under Section  
24 29D-65 of the Criminal Code of 1961, "offense" means any  
25 offense under Article 29D of that Code.

26 (10) In the case of forfeiture authorized under Section

1 4.01 of the Humane Care for Animals Act or Section 48-1  
2 ~~26-5~~ of the Criminal Code of 1961, "offense" means any  
3 felony offense under either of those Sections.

4 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

5 (725 ILCS 5/124B-600)

6 Sec. 124B-600. Persons and property subject to forfeiture.  
7 A person who commits the offense of computer fraud as set forth  
8 in Section 17-50 ~~16D-5~~ of the Criminal Code of 1961 shall  
9 forfeit any property that the sentencing court determines,  
10 after a forfeiture hearing under this Article, the person has  
11 acquired or maintained, directly or indirectly, in whole or in  
12 part, as a result of that offense. The person shall also  
13 forfeit any interest in, securities of, claim against, or  
14 contractual right of any kind that affords the person a source  
15 of influence over any enterprise that the person has  
16 established, operated, controlled, conducted, or participated  
17 in conducting, if the person's relationship to or connection  
18 with any such thing or activity directly or indirectly, in  
19 whole or in part, is traceable to any item or benefit that the  
20 person has obtained or acquired through computer fraud.

21 (Source: P.A. 96-712, eff. 1-1-10.)

22 (725 ILCS 5/124B-700)

23 Sec. 124B-700. Persons and property subject to forfeiture.  
24 A person who commits a felony violation of Article 17-6.3 ~~17B~~

1 of the Criminal Code of 1961 shall forfeit any property that  
2 the sentencing court determines, after a forfeiture hearing  
3 under this Article, (i) the person has acquired, in whole or in  
4 part, as a result of committing the violation or (ii) the  
5 person has maintained or used, in whole or in part, to  
6 facilitate, directly or indirectly, the commission of the  
7 violation. The person shall also forfeit any interest in,  
8 securities of, claim against, or contractual right of any kind  
9 that affords the person a source of influence over any  
10 enterprise that the person has established, operated,  
11 controlled, conducted, or participated in conducting, if the  
12 person's relationship to or connection with any such thing or  
13 activity directly or indirectly, in whole or in part, is  
14 traceable to any item or benefit that the person has obtained  
15 or acquired as a result of a felony violation of Article 17-6.3  
16 ~~17B~~ of the Criminal Code of 1961. Property subject to  
17 forfeiture under this Part 700 includes the following:

18 (1) All moneys, things of value, books, records, and  
19 research products and materials that are used or intended  
20 to be used in committing a felony violation of Article  
21 17-6.3 ~~17B~~ of the Criminal Code of 1961.

22 (2) Everything of value furnished, or intended to be  
23 furnished, in exchange for a substance in violation of  
24 Article 17-6.3 ~~17B~~ of the Criminal Code of 1961; all  
25 proceeds traceable to that exchange; and all moneys,  
26 negotiable instruments, and securities used or intended to

1 be used to commit or in any manner to facilitate the  
2 commission of a felony violation of Article 17-6.3 ~~17B~~ of  
3 the Criminal Code of 1961.

4 (3) All real property, including any right, title, and  
5 interest (including, but not limited to, any leasehold  
6 interest or the beneficial interest in a land trust) in the  
7 whole of any lot or tract of land and any appurtenances or  
8 improvements, that is used or intended to be used, in any  
9 manner or part, to commit or in any manner to facilitate  
10 the commission of a felony violation of Article 17-6.3 ~~17B~~  
11 of the Criminal Code of 1961 or that is the proceeds of any  
12 act that constitutes a felony violation of Article 17-6.3  
13 ~~17B~~ of the Criminal Code of 1961.

14 (Source: P.A. 96-712, eff. 1-1-10.)

15 (725 ILCS 5/124B-710)

16 Sec. 124B-710. Sale of forfeited property by Director of  
17 State Police; return to seizing agency or prosecutor.

18 (a) The court shall authorize the Director of State Police  
19 to seize any property declared forfeited under this Article on  
20 terms and conditions the court deems proper.

21 (b) When property is forfeited under this Part 700, the  
22 Director of State Police shall sell the property unless the  
23 property is required by law to be destroyed or is harmful to  
24 the public. The Director shall distribute the proceeds of the  
25 sale, together with any moneys forfeited or seized, in

1 accordance with Section 124B-715.

2 (c) On the application of the seizing agency or prosecutor  
3 who was responsible for the investigation, arrest, and  
4 prosecution that lead to the forfeiture, however, the Director  
5 may return any item of forfeited property to the seizing agency  
6 or prosecutor for official use in the enforcement of laws  
7 relating to Article 17-6.3 ~~17B~~ of the Criminal Code of 1961 if  
8 the agency or prosecutor can demonstrate that the item  
9 requested would be useful to the agency or prosecutor in their  
10 enforcement efforts. When any real property returned to the  
11 seizing agency is sold by the agency or its unit of government,  
12 the proceeds of the sale shall be delivered to the Director and  
13 distributed in accordance with Section 124B-715.

14 (Source: P.A. 96-712, eff. 1-1-10.)

15 (725 ILCS 5/124B-905)

16 Sec. 124B-905. Persons and property subject to forfeiture.  
17 A person who commits a felony violation of Section 4.01 of the  
18 Humane Care for Animals Act or a felony violation of Section  
19 48-1 ~~26-5~~ of the Criminal Code of 1961 shall forfeit the  
20 following:

21 (1) Any moneys, profits, or proceeds the person  
22 acquired, in whole or in part, as a result of committing  
23 the violation.

24 (2) Any real property or interest in real property that  
25 the sentencing court determines, after a forfeiture

1 hearing under this Article, (i) the person has acquired, in  
2 whole or in part, as a result of committing the violation  
3 or (ii) the person has maintained or used, in whole or in  
4 part, to facilitate, directly or indirectly, the  
5 commission of the violation. Real property subject to  
6 forfeiture under this Part 900 includes property that  
7 belongs to any of the following:

8 (A) The person organizing the show, exhibition,  
9 program, or other activity described in subsections  
10 (a) through (g) of Section 4.01 of the Humane Care for  
11 Animals Act or Section 48-1 ~~26-5~~ of the Criminal Code  
12 of 1961.

13 (B) Any other person participating in the activity  
14 described in subsections (a) through (g) of Section  
15 4.01 of the Humane Care for Animals Act or Section 48-1  
16 ~~26-5~~ of the Criminal Code of 1961 who is related to the  
17 organization and operation of the activity.

18 (C) Any person who knowingly allowed the  
19 activities to occur on his or her premises.

20 The person shall also forfeit any interest in, securities  
21 of, claim against, or contractual right of any kind that  
22 affords the person a source of influence over any enterprise  
23 that the person has established, operated, controlled,  
24 conducted, or participated in conducting, if the person's  
25 relationship to or connection with any such thing or activity  
26 directly or indirectly, in whole or in part, is traceable to

1 any item or benefit that the person has obtained or acquired as  
2 a result of a felony violation of Section 4.01 of the Humane  
3 Care for Animals Act or a felony violation of Section 48-1 ~~26-5~~  
4 of the Criminal Code of 1961.

5 (Source: P.A. 96-712, eff. 1-1-10.)

6 Section 15-35. The Unified Code of Corrections is amended  
7 by changing Sections 5-5-3, 5-5-3.2, 5-5-5, 5-6-1 and 5-8-4 as  
8 follows:

9 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic  
15 imprisonment or conditional discharge shall not be imposed  
16 for the following offenses. The court shall sentence the  
17 offender to not less than the minimum term of imprisonment  
18 set forth in this Code for the following offenses, and may  
19 order a fine or restitution or both in conjunction with  
20 such term of imprisonment:

21 (A) First degree murder where the death penalty is  
22 not imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

1 (D) A violation of Section 401.1 or 407 of the  
2 Illinois Controlled Substances Act, or a violation of  
3 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
4 of that Act which relates to more than 5 grams of a  
5 substance containing heroin, cocaine, fentanyl, or an  
6 analog thereof.

7 (E) A violation of Section 5.1 or 9 of the Cannabis  
8 Control Act.

9 (F) A Class 2 or greater felony if the offender had  
10 been convicted of a Class 2 or greater felony,  
11 including any state or federal conviction for an  
12 offense that contained, at the time it was committed,  
13 the same elements as an offense now (the date of the  
14 offense committed after the prior Class 2 or greater  
15 felony) classified as a Class 2 or greater felony,  
16 within 10 years of the date on which the offender  
17 committed the offense for which he or she is being  
18 sentenced, except as otherwise provided in Section  
19 40-10 of the Alcoholism and Other Drug Abuse and  
20 Dependency Act.

21 (F-5) A violation of Section 24-1, 24-1.1, or  
22 24-1.6 of the Criminal Code of 1961 for which  
23 imprisonment is prescribed in those Sections.

24 (G) Residential burglary, except as otherwise  
25 provided in Section 40-10 of the Alcoholism and Other  
26 Drug Abuse and Dependency Act.

1 (H) Criminal sexual assault.

2 (I) Aggravated battery of a senior citizen as  
3 described in Section 12-4.6 or subdivision (a)(4) of  
4 Section 12-3.05.

5 (J) A forcible felony if the offense was related to  
6 the activities of an organized gang.

7 Before July 1, 1994, for the purposes of this  
8 paragraph, "organized gang" means an association of 5  
9 or more persons, with an established hierarchy, that  
10 encourages members of the association to perpetrate  
11 crimes or provides support to the members of the  
12 association who do commit crimes.

13 Beginning July 1, 1994, for the purposes of this  
14 paragraph, "organized gang" has the meaning ascribed  
15 to it in Section 10 of the Illinois Streetgang  
16 Terrorism Omnibus Prevention Act.

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the  
19 offense of hate crime when the underlying offense upon  
20 which the hate crime is based is felony aggravated  
21 assault or felony mob action.

22 (M) A second or subsequent conviction for the  
23 offense of institutional vandalism if the damage to the  
24 property exceeds \$300.

25 (N) A Class 3 felony violation of paragraph (1) of  
26 subsection (a) of Section 2 of the Firearm Owners

1 Identification Card Act.

2 (O) A violation of Section 12-6.1 or 12-6.5 of the  
3 Criminal Code of 1961.

4 (P) A violation of paragraph (1), (2), (3), (4),  
5 (5), or (7) of subsection (a) of Section 11-20.1 of the  
6 Criminal Code of 1961.

7 (Q) A violation of subsection (b) or (b-5) of  
8 Section 20-1, Section 20-1.2 or 20-1.3 of the Criminal  
9 Code of 1961.

10 (R) A violation of Section 24-3A of the Criminal  
11 Code of 1961.

12 (S) (Blank).

13 (T) A second or subsequent violation of the  
14 Methamphetamine Control and Community Protection Act.

15 (U) A second or subsequent violation of Section  
16 6-303 of the Illinois Vehicle Code committed while his  
17 or her driver's license, permit, or privilege was  
18 revoked because of a violation of Section 9-3 of the  
19 Criminal Code of 1961, relating to the offense of  
20 reckless homicide, or a similar provision of a law of  
21 another state.

22 (V) A violation of paragraph (4) of subsection (c)  
23 of Section 11-20.1B or paragraph (4) of subsection (c)  
24 of Section 11-20.3 of the Criminal Code of 1961.

25 (W) A violation of Section 24-3.5 of the Criminal  
26 Code of 1961.

1           (X) A violation of subsection (a) of Section 31-1a  
2 of the Criminal Code of 1961.

3           (Y) A conviction for unlawful possession of a  
4 firearm by a street gang member when the firearm was  
5 loaded or contained firearm ammunition.

6           (Z) A Class 1 felony committed while he or she was  
7 serving a term of probation or conditional discharge  
8 for a felony.

9           (AA) Theft of property exceeding \$500,000 and not  
10 exceeding \$1,000,000 in value.

11           (BB) Laundering of criminally derived property of  
12 a value exceeding \$500,000.

13           (CC) Knowingly selling, offering for sale, holding  
14 for sale, or using 2,000 or more counterfeit items or  
15 counterfeit items having a retail value in the  
16 aggregate of \$500,000 or more.

17           (DD) A conviction for aggravated assault under  
18 paragraph (6) of subsection (c) of Section 12-2 of the  
19 Criminal Code of 1961 if the firearm is aimed toward  
20 the person against whom the firearm is being used.

21           (3) (Blank).

22           (4) A minimum term of imprisonment of not less than 10  
23 consecutive days or 30 days of community service shall be  
24 imposed for a violation of paragraph (c) of Section 6-303  
25 of the Illinois Vehicle Code.

26           (4.1) (Blank).

1           (4.2) Except as provided in paragraphs (4.3) and (4.8)  
2 of this subsection (c), a minimum of 100 hours of community  
3 service shall be imposed for a second violation of Section  
4 6-303 of the Illinois Vehicle Code.

5           (4.3) A minimum term of imprisonment of 30 days or 300  
6 hours of community service, as determined by the court,  
7 shall be imposed for a second violation of subsection (c)  
8 of Section 6-303 of the Illinois Vehicle Code.

9           (4.4) Except as provided in paragraphs (4.5), (4.6),  
10 and (4.9) of this subsection (c), a minimum term of  
11 imprisonment of 30 days or 300 hours of community service,  
12 as determined by the court, shall be imposed for a third or  
13 subsequent violation of Section 6-303 of the Illinois  
14 Vehicle Code.

15           (4.5) A minimum term of imprisonment of 30 days shall  
16 be imposed for a third violation of subsection (c) of  
17 Section 6-303 of the Illinois Vehicle Code.

18           (4.6) Except as provided in paragraph (4.10) of this  
19 subsection (c), a minimum term of imprisonment of 180 days  
20 shall be imposed for a fourth or subsequent violation of  
21 subsection (c) of Section 6-303 of the Illinois Vehicle  
22 Code.

23           (4.7) A minimum term of imprisonment of not less than  
24 30 consecutive days, or 300 hours of community service,  
25 shall be imposed for a violation of subsection (a-5) of  
26 Section 6-303 of the Illinois Vehicle Code, as provided in

1 subsection (b-5) of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for  
3 a second violation of subsection (a-5) of Section 6-303 of  
4 the Illinois Vehicle Code, as provided in subsection (c-5)  
5 of that Section. The person's driving privileges shall be  
6 revoked for a period of not less than 5 years from the date  
7 of his or her release from prison.

8 (4.9) A mandatory prison sentence of not less than 4  
9 and not more than 15 years shall be imposed for a third  
10 violation of subsection (a-5) of Section 6-303 of the  
11 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
12 that Section. The person's driving privileges shall be  
13 revoked for the remainder of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony  
15 shall be imposed, and the person shall be eligible for an  
16 extended term sentence, for a fourth or subsequent  
17 violation of subsection (a-5) of Section 6-303 of the  
18 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
19 that Section. The person's driving privileges shall be  
20 revoked for the remainder of his or her life.

21 (5) The court may sentence a corporation or  
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section  
26 5-5-6 of this Code.

1           (5.1) In addition to any other penalties imposed, and  
2           except as provided in paragraph (5.2) or (5.3), a person  
3           convicted of violating subsection (c) of Section 11-907 of  
4           the Illinois Vehicle Code shall have his or her driver's  
5           license, permit, or privileges suspended for at least 90  
6           days but not more than one year, if the violation resulted  
7           in damage to the property of another person.

8           (5.2) In addition to any other penalties imposed, and  
9           except as provided in paragraph (5.3), a person convicted  
10          of violating subsection (c) of Section 11-907 of the  
11          Illinois Vehicle Code shall have his or her driver's  
12          license, permit, or privileges suspended for at least 180  
13          days but not more than 2 years, if the violation resulted  
14          in injury to another person.

15          (5.3) In addition to any other penalties imposed, a  
16          person convicted of violating subsection (c) of Section  
17          11-907 of the Illinois Vehicle Code shall have his or her  
18          driver's license, permit, or privileges suspended for 2  
19          years, if the violation resulted in the death of another  
20          person.

21          (5.4) In addition to any other penalties imposed, a  
22          person convicted of violating Section 3-707 of the Illinois  
23          Vehicle Code shall have his or her driver's license,  
24          permit, or privileges suspended for 3 months and until he  
25          or she has paid a reinstatement fee of \$100.

26          (5.5) In addition to any other penalties imposed, a

1 person convicted of violating Section 3-707 of the Illinois  
2 Vehicle Code during a period in which his or her driver's  
3 license, permit, or privileges were suspended for a  
4 previous violation of that Section shall have his or her  
5 driver's license, permit, or privileges suspended for an  
6 additional 6 months after the expiration of the original  
7 3-month suspension and until he or she has paid a  
8 reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

12 (9) A defendant convicted of a second or subsequent  
13 offense of ritualized abuse of a child may be sentenced to  
14 a term of natural life imprisonment.

15 (10) (Blank).

16 (11) The court shall impose a minimum fine of \$1,000  
17 for a first offense and \$2,000 for a second or subsequent  
18 offense upon a person convicted of or placed on supervision  
19 for battery when the individual harmed was a sports  
20 official or coach at any level of competition and the act  
21 causing harm to the sports official or coach occurred  
22 within an athletic facility or within the immediate  
23 vicinity of the athletic facility at which the sports  
24 official or coach was an active participant of the athletic  
25 contest held at the athletic facility. For the purposes of  
26 this paragraph (11), "sports official" means a person at an

1 athletic contest who enforces the rules of the contest,  
2 such as an umpire or referee; "athletic facility" means an  
3 indoor or outdoor playing field or recreational area where  
4 sports activities are conducted; and "coach" means a person  
5 recognized as a coach by the sanctioning authority that  
6 conducted the sporting event.

7 (12) A person may not receive a disposition of court  
8 supervision for a violation of Section 5-16 of the Boat  
9 Registration and Safety Act if that person has previously  
10 received a disposition of court supervision for a violation  
11 of that Section.

12 (13) A person convicted of or placed on court  
13 supervision for an assault or aggravated assault when the  
14 victim and the offender are family or household members as  
15 defined in Section 103 of the Illinois Domestic Violence  
16 Act of 1986 or convicted of domestic battery or aggravated  
17 domestic battery may be required to attend a Partner Abuse  
18 Intervention Program under protocols set forth by the  
19 Illinois Department of Human Services under such terms and  
20 conditions imposed by the court. The costs of such classes  
21 shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is  
23 vacated, the case shall be remanded to the trial court. The  
24 trial court shall hold a hearing under Section 5-4-1 of the  
25 Unified Code of Corrections which may include evidence of the  
26 defendant's life, moral character and occupation during the

1 time since the original sentence was passed. The trial court  
2 shall then impose sentence upon the defendant. The trial court  
3 may impose any sentence which could have been imposed at the  
4 original trial subject to Section 5-5-4 of the Unified Code of  
5 Corrections. If a sentence is vacated on appeal or on  
6 collateral attack due to the failure of the trier of fact at  
7 trial to determine beyond a reasonable doubt the existence of a  
8 fact (other than a prior conviction) necessary to increase the  
9 punishment for the offense beyond the statutory maximum  
10 otherwise applicable, either the defendant may be re-sentenced  
11 to a term within the range otherwise provided or, if the State  
12 files notice of its intention to again seek the extended  
13 sentence, the defendant shall be afforded a new trial.

14 (e) In cases where prosecution for aggravated criminal  
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
16 Code of 1961 results in conviction of a defendant who was a  
17 family member of the victim at the time of the commission of  
18 the offense, the court shall consider the safety and welfare of  
19 the victim and may impose a sentence of probation only where:

20 (1) the court finds (A) or (B) or both are appropriate:

21 (A) the defendant is willing to undergo a court  
22 approved counseling program for a minimum duration of 2  
23 years; or

24 (B) the defendant is willing to participate in a  
25 court approved plan including but not limited to the  
26 defendant's:

- 1 (i) removal from the household;  
2 (ii) restricted contact with the victim;  
3 (iii) continued financial support of the  
4 family;  
5 (iv) restitution for harm done to the victim;  
6 and  
7 (v) compliance with any other measures that  
8 the court may deem appropriate; and

9 (2) the court orders the defendant to pay for the  
10 victim's counseling services, to the extent that the court  
11 finds, after considering the defendant's income and  
12 assets, that the defendant is financially capable of paying  
13 for such services, if the victim was under 18 years of age  
14 at the time the offense was committed and requires  
15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section  
17 5-6-4; except where the court determines at the hearing that  
18 the defendant violated a condition of his or her probation  
19 restricting contact with the victim or other family members or  
20 commits another offense with the victim or other family  
21 members, the court shall revoke the defendant's probation and  
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and  
24 "victim" shall have the meanings ascribed to them in Section  
25 11-0.1 of the Criminal Code of 1961.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under  
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
3 11-14.3, 11-14.4 except for an offense that involves keeping a  
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the  
7 defendant shall undergo medical testing to determine whether  
8 the defendant has any sexually transmissible disease,  
9 including a test for infection with human immunodeficiency  
10 virus (HIV) or any other identified causative agent of acquired  
11 immunodeficiency syndrome (AIDS). Any such medical test shall  
12 be performed only by appropriately licensed medical  
13 practitioners and may include an analysis of any bodily fluids  
14 as well as an examination of the defendant's person. Except as  
15 otherwise provided by law, the results of such test shall be  
16 kept strictly confidential by all medical personnel involved in  
17 the testing and must be personally delivered in a sealed  
18 envelope to the judge of the court in which the conviction was  
19 entered for the judge's inspection in camera. Acting in  
20 accordance with the best interests of the victim and the  
21 public, the judge shall have the discretion to determine to  
22 whom, if anyone, the results of the testing may be revealed.  
23 The court shall notify the defendant of the test results. The  
24 court shall also notify the victim if requested by the victim,  
25 and if the victim is under the age of 15 and if requested by the  
26 victim's parents or legal guardian, the court shall notify the

1 victim's parents or legal guardian of the test results. The  
2 court shall provide information on the availability of HIV  
3 testing and counseling at Department of Public Health  
4 facilities to all parties to whom the results of the testing  
5 are revealed and shall direct the State's Attorney to provide  
6 the information to the victim when possible. A State's Attorney  
7 may petition the court to obtain the results of any HIV test  
8 administered under this Section, and the court shall grant the  
9 disclosure if the State's Attorney shows it is relevant in  
10 order to prosecute a charge of criminal transmission of HIV  
11 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961  
12 against the defendant. The court shall order that the cost of  
13 any such test shall be paid by the county and may be taxed as  
14 costs against the convicted defendant.

15 (g-5) When an inmate is tested for an airborne communicable  
16 disease, as determined by the Illinois Department of Public  
17 Health including but not limited to tuberculosis, the results  
18 of the test shall be personally delivered by the warden or his  
19 or her designee in a sealed envelope to the judge of the court  
20 in which the inmate must appear for the judge's inspection in  
21 camera if requested by the judge. Acting in accordance with the  
22 best interests of those in the courtroom, the judge shall have  
23 the discretion to determine what if any precautions need to be  
24 taken to prevent transmission of the disease in the courtroom.

25 (h) Whenever a defendant is convicted of an offense under  
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether  
2 the defendant has been exposed to human immunodeficiency virus  
3 (HIV) or any other identified causative agent of acquired  
4 immunodeficiency syndrome (AIDS). Except as otherwise provided  
5 by law, the results of such test shall be kept strictly  
6 confidential by all medical personnel involved in the testing  
7 and must be personally delivered in a sealed envelope to the  
8 judge of the court in which the conviction was entered for the  
9 judge's inspection in camera. Acting in accordance with the  
10 best interests of the public, the judge shall have the  
11 discretion to determine to whom, if anyone, the results of the  
12 testing may be revealed. The court shall notify the defendant  
13 of a positive test showing an infection with the human  
14 immunodeficiency virus (HIV). The court shall provide  
15 information on the availability of HIV testing and counseling  
16 at Department of Public Health facilities to all parties to  
17 whom the results of the testing are revealed and shall direct  
18 the State's Attorney to provide the information to the victim  
19 when possible. A State's Attorney may petition the court to  
20 obtain the results of any HIV test administered under this  
21 Section, and the court shall grant the disclosure if the  
22 State's Attorney shows it is relevant in order to prosecute a  
23 charge of criminal transmission of HIV under Section 12-5.01 or  
24 12-16.2 of the Criminal Code of 1961 against the defendant. The  
25 court shall order that the cost of any such test shall be paid  
26 by the county and may be taxed as costs against the convicted

1 defendant.

2 (i) All fines and penalties imposed under this Section for  
3 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
4 Vehicle Code, or a similar provision of a local ordinance, and  
5 any violation of the Child Passenger Protection Act, or a  
6 similar provision of a local ordinance, shall be collected and  
7 disbursed by the circuit clerk as provided under Section 27.5  
8 of the Clerks of Courts Act.

9 (j) In cases when prosecution for any violation of Section  
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
14 12-15, or 12-16 of the Criminal Code of 1961, any violation of  
15 the Illinois Controlled Substances Act, any violation of the  
16 Cannabis Control Act, or any violation of the Methamphetamine  
17 Control and Community Protection Act results in conviction, a  
18 disposition of court supervision, or an order of probation  
19 granted under Section 10 of the Cannabis Control Act, Section  
20 410 of the Illinois Controlled Substance Act, or Section 70 of  
21 the Methamphetamine Control and Community Protection Act of a  
22 defendant, the court shall determine whether the defendant is  
23 employed by a facility or center as defined under the Child  
24 Care Act of 1969, a public or private elementary or secondary  
25 school, or otherwise works with children under 18 years of age  
26 on a daily basis. When a defendant is so employed, the court

1 shall order the Clerk of the Court to send a copy of the  
2 judgment of conviction or order of supervision or probation to  
3 the defendant's employer by certified mail. If the employer of  
4 the defendant is a school, the Clerk of the Court shall direct  
5 the mailing of a copy of the judgment of conviction or order of  
6 supervision or probation to the appropriate regional  
7 superintendent of schools. The regional superintendent of  
8 schools shall notify the State Board of Education of any  
9 notification under this subsection.

10 (j-5) A defendant at least 17 years of age who is convicted  
11 of a felony and who has not been previously convicted of a  
12 misdemeanor or felony and who is sentenced to a term of  
13 imprisonment in the Illinois Department of Corrections shall as  
14 a condition of his or her sentence be required by the court to  
15 attend educational courses designed to prepare the defendant  
16 for a high school diploma and to work toward a high school  
17 diploma or to work toward passing the high school level Test of  
18 General Educational Development (GED) or to work toward  
19 completing a vocational training program offered by the  
20 Department of Corrections. If a defendant fails to complete the  
21 educational training required by his or her sentence during the  
22 term of incarceration, the Prisoner Review Board shall, as a  
23 condition of mandatory supervised release, require the  
24 defendant, at his or her own expense, to pursue a course of  
25 study toward a high school diploma or passage of the GED test.  
26 The Prisoner Review Board shall revoke the mandatory supervised

1 release of a defendant who wilfully fails to comply with this  
2 subsection (j-5) upon his or her release from confinement in a  
3 penal institution while serving a mandatory supervised release  
4 term; however, the inability of the defendant after making a  
5 good faith effort to obtain financial aid or pay for the  
6 educational training shall not be deemed a wilful failure to  
7 comply. The Prisoner Review Board shall recommit the defendant  
8 whose mandatory supervised release term has been revoked under  
9 this subsection (j-5) as provided in Section 3-3-9. This  
10 subsection (j-5) does not apply to a defendant who has a high  
11 school diploma or has successfully passed the GED test. This  
12 subsection (j-5) does not apply to a defendant who is  
13 determined by the court to be developmentally disabled or  
14 otherwise mentally incapable of completing the educational or  
15 vocational program.

16 (k) (Blank).

17 (l) (A) Except as provided in paragraph (C) of subsection  
18 (l), whenever a defendant, who is an alien as defined by  
19 the Immigration and Nationality Act, is convicted of any  
20 felony or misdemeanor offense, the court after sentencing  
21 the defendant may, upon motion of the State's Attorney,  
22 hold sentence in abeyance and remand the defendant to the  
23 custody of the Attorney General of the United States or his  
24 or her designated agent to be deported when:

25 (1) a final order of deportation has been issued  
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not  
3 deprecate the seriousness of the defendant's conduct  
4 and would not be inconsistent with the ends of justice.

5 Otherwise, the defendant shall be sentenced as  
6 provided in this Chapter V.

7 (B) If the defendant has already been sentenced for a  
8 felony or misdemeanor offense, or has been placed on  
9 probation under Section 10 of the Cannabis Control Act,  
10 Section 410 of the Illinois Controlled Substances Act, or  
11 Section 70 of the Methamphetamine Control and Community  
12 Protection Act, the court may, upon motion of the State's  
13 Attorney to suspend the sentence imposed, commit the  
14 defendant to the custody of the Attorney General of the  
15 United States or his or her designated agent when:

16 (1) a final order of deportation has been issued  
17 against the defendant pursuant to proceedings under  
18 the Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not  
20 deprecate the seriousness of the defendant's conduct  
21 and would not be inconsistent with the ends of justice.

22 (C) This subsection (1) does not apply to offenders who  
23 are subject to the provisions of paragraph (2) of  
24 subsection (a) of Section 3-6-3.

25 (D) Upon motion of the State's Attorney, if a defendant  
26 sentenced under this Section returns to the jurisdiction of

1 the United States, the defendant shall be recommitted to  
2 the custody of the county from which he or she was  
3 sentenced. Thereafter, the defendant shall be brought  
4 before the sentencing court, which may impose any sentence  
5 that was available under Section 5-5-3 at the time of  
6 initial sentencing. In addition, the defendant shall not be  
7 eligible for additional good conduct credit for  
8 meritorious service as provided under Section 3-6-6.

9 (m) A person convicted of criminal defacement of property  
10 under Section 21-1.3 of the Criminal Code of 1961, in which the  
11 property damage exceeds \$300 and the property damaged is a  
12 school building, shall be ordered to perform community service  
13 that may include cleanup, removal, or painting over the  
14 defacement.

15 (n) The court may sentence a person convicted of a  
16 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
17 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
18 of 1961 (i) to an impact incarceration program if the person is  
19 otherwise eligible for that program under Section 5-8-1.1, (ii)  
20 to community service, or (iii) if the person is an addict or  
21 alcoholic, as defined in the Alcoholism and Other Drug Abuse  
22 and Dependency Act, to a substance or alcohol abuse program  
23 licensed under that Act.

24 (o) Whenever a person is convicted of a sex offense as  
25 defined in Section 2 of the Sex Offender Registration Act, the  
26 defendant's driver's license or permit shall be subject to

1 renewal on an annual basis in accordance with the provisions of  
2 license renewal established by the Secretary of State.

3 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
4 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
5 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
6 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
7 97-159, eff. 7-21-11; revised 9-14-11.)

8 (730 ILCS 5/5-5-3.2)

9 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
10 Sentencing.

11 (a) The following factors shall be accorded weight in favor  
12 of imposing a term of imprisonment or may be considered by the  
13 court as reasons to impose a more severe sentence under Section  
14 5-8-1 or Article 4.5 of Chapter V:

15 (1) the defendant's conduct caused or threatened  
16 serious harm;

17 (2) the defendant received compensation for committing  
18 the offense;

19 (3) the defendant has a history of prior delinquency or  
20 criminal activity;

21 (4) the defendant, by the duties of his office or by  
22 his position, was obliged to prevent the particular offense  
23 committed or to bring the offenders committing it to  
24 justice;

25 (5) the defendant held public office at the time of the

1 offense, and the offense related to the conduct of that  
2 office;

3 (6) the defendant utilized his professional reputation  
4 or position in the community to commit the offense, or to  
5 afford him an easier means of committing it;

6 (7) the sentence is necessary to deter others from  
7 committing the same crime;

8 (8) the defendant committed the offense against a  
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a  
11 person who is physically handicapped or such person's  
12 property;

13 (10) by reason of another individual's actual or  
14 perceived race, color, creed, religion, ancestry, gender,  
15 sexual orientation, physical or mental disability, or  
16 national origin, the defendant committed the offense  
17 against (i) the person or property of that individual; (ii)  
18 the person or property of a person who has an association  
19 with, is married to, or has a friendship with the other  
20 individual; or (iii) the person or property of a relative  
21 (by blood or marriage) of a person described in clause (i)  
22 or (ii). For the purposes of this Section, "sexual  
23 orientation" means heterosexuality, homosexuality, or  
24 bisexuality;

25 (11) the offense took place in a place of worship or on  
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For  
2 purposes of this subparagraph, "place of worship" shall  
3 mean any church, synagogue or other building, structure or  
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed  
6 while he was released on bail or his own recognizance  
7 pending trial for a prior felony and was convicted of such  
8 prior felony, or the defendant was convicted of a felony  
9 committed while he was serving a period of probation,  
10 conditional discharge, or mandatory supervised release  
11 under subsection (d) of Section 5-8-1 for a prior felony;

12 (13) the defendant committed or attempted to commit a  
13 felony while he was wearing a bulletproof vest. For the  
14 purposes of this paragraph (13), a bulletproof vest is any  
15 device which is designed for the purpose of protecting the  
16 wearer from bullets, shot or other lethal projectiles;

17 (14) the defendant held a position of trust or  
18 supervision such as, but not limited to, family member as  
19 defined in Section 11-0.1 of the Criminal Code of 1961,  
20 teacher, scout leader, baby sitter, or day care worker, in  
21 relation to a victim under 18 years of age, and the  
22 defendant committed an offense in violation of Section  
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
24 11-14.4 except for an offense that involves keeping a place  
25 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
26 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15

1 or 12-16 of the Criminal Code of 1961 against that victim;

2 (15) the defendant committed an offense related to the  
3 activities of an organized gang. For the purposes of this  
4 factor, "organized gang" has the meaning ascribed to it in  
5 Section 10 of the Streetgang Terrorism Omnibus Prevention  
6 Act;

7 (16) the defendant committed an offense in violation of  
8 one of the following Sections while in a school, regardless  
9 of the time of day or time of year; on any conveyance  
10 owned, leased, or contracted by a school to transport  
11 students to or from school or a school related activity; on  
12 the real property of a school; or on a public way within  
13 1,000 feet of the real property comprising any school:  
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
19 (a) (4) or (g) (1), of the Criminal Code of 1961;

20 (16.5) the defendant committed an offense in violation  
21 of one of the following Sections while in a day care  
22 center, regardless of the time of day or time of year; on  
23 the real property of a day care center, regardless of the  
24 time of day or time of year; or on a public way within  
25 1,000 feet of the real property comprising any day care  
26 center, regardless of the time of day or time of year:

1 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
2 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
4 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
5 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
6 (a) (4) or (g) (1), of the Criminal Code of 1961;

7 (17) the defendant committed the offense by reason of  
8 any person's activity as a community policing volunteer or  
9 to prevent any person from engaging in activity as a  
10 community policing volunteer. For the purpose of this  
11 Section, "community policing volunteer" has the meaning  
12 ascribed to it in Section 2-3.5 of the Criminal Code of  
13 1961;

14 (18) the defendant committed the offense in a nursing  
15 home or on the real property comprising a nursing home. For  
16 the purposes of this paragraph (18), "nursing home" means a  
17 skilled nursing or intermediate long term care facility  
18 that is subject to license by the Illinois Department of  
19 Public Health under the Nursing Home Care Act, the  
20 Specialized Mental Health Rehabilitation Act, or the ID/DD  
21 Community Care Act;

22 (19) the defendant was a federally licensed firearm  
23 dealer and was previously convicted of a violation of  
24 subsection (a) of Section 3 of the Firearm Owners  
25 Identification Card Act and has now committed either a  
26 felony violation of the Firearm Owners Identification Card

1 Act or an act of armed violence while armed with a firearm;

2 (20) the defendant (i) committed the offense of  
3 reckless homicide under Section 9-3 of the Criminal Code of  
4 1961 or the offense of driving under the influence of  
5 alcohol, other drug or drugs, intoxicating compound or  
6 compounds or any combination thereof under Section 11-501  
7 of the Illinois Vehicle Code or a similar provision of a  
8 local ordinance and (ii) was operating a motor vehicle in  
9 excess of 20 miles per hour over the posted speed limit as  
10 provided in Article VI of Chapter 11 of the Illinois  
11 Vehicle Code;

12 (21) the defendant (i) committed the offense of  
13 reckless driving or aggravated reckless driving under  
14 Section 11-503 of the Illinois Vehicle Code and (ii) was  
15 operating a motor vehicle in excess of 20 miles per hour  
16 over the posted speed limit as provided in Article VI of  
17 Chapter 11 of the Illinois Vehicle Code;

18 (22) the defendant committed the offense against a  
19 person that the defendant knew, or reasonably should have  
20 known, was a member of the Armed Forces of the United  
21 States serving on active duty. For purposes of this clause  
22 (22), the term "Armed Forces" means any of the Armed Forces  
23 of the United States, including a member of any reserve  
24 component thereof or National Guard unit called to active  
25 duty;

26 (23) the defendant committed the offense against a

1 person who was elderly, disabled, or infirm by taking  
2 advantage of a family or fiduciary relationship with the  
3 elderly, disabled, or infirm person;

4 (24) the defendant committed any offense under Section  
5 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
6 more images;

7 (25) the defendant committed the offense while the  
8 defendant or the victim was in a train, bus, or other  
9 vehicle used for public transportation;

10 (26) the defendant committed the offense of child  
11 pornography or aggravated child pornography, specifically  
12 including paragraph (1), (2), (3), (4), (5), or (7) of  
13 subsection (a) of Section 11-20.1 of the Criminal Code of  
14 1961 where a child engaged in, solicited for, depicted in,  
15 or posed in any act of sexual penetration or bound,  
16 fettered, or subject to sadistic, masochistic, or  
17 sadomasochistic abuse in a sexual context and specifically  
18 including paragraph (1), (2), (3), (4), (5), or (7) of  
19 subsection (a) of Section 11-20.3 of the Criminal Code of  
20 1961 where a child engaged in, solicited for, depicted in,  
21 or posed in any act of sexual penetration or bound,  
22 fettered, or subject to sadistic, masochistic, or  
23 sadomasochistic abuse in a sexual context; or

24 (27) the defendant committed the offense of first  
25 degree murder, assault, aggravated assault, battery,  
26 aggravated battery, robbery, armed robbery, or aggravated

1 robbery against a person who was a veteran and the  
2 defendant knew, or reasonably should have known, that the  
3 person was a veteran performing duties as a representative  
4 of a veterans' organization. For the purposes of this  
5 paragraph (27), "veteran" means an Illinois resident who  
6 has served as a member of the United States Armed Forces, a  
7 member of the Illinois National Guard, or a member of the  
8 United States Reserve Forces; and "veterans' organization"  
9 means an organization comprised of members of which  
10 substantially all are individuals who are veterans or  
11 spouses, widows, or widowers of veterans, the primary  
12 purpose of which is to promote the welfare of its members  
13 and to provide assistance to the general public in such a  
14 way as to confer a public benefit.

15 For the purposes of this Section:

16 "School" is defined as a public or private elementary or  
17 secondary school, community college, college, or university.

18 "Day care center" means a public or private State certified  
19 and licensed day care center as defined in Section 2.09 of the  
20 Child Care Act of 1969 that displays a sign in plain view  
21 stating that the property is a day care center.

22 "Public transportation" means the transportation or  
23 conveyance of persons by means available to the general public,  
24 and includes paratransit services.

25 (b) The following factors, related to all felonies, may be  
26 considered by the court as reasons to impose an extended term

1 sentence under Section 5-8-2 upon any offender:

2 (1) When a defendant is convicted of any felony, after  
3 having been previously convicted in Illinois or any other  
4 jurisdiction of the same or similar class felony or greater  
5 class felony, when such conviction has occurred within 10  
6 years after the previous conviction, excluding time spent  
7 in custody, and such charges are separately brought and  
8 tried and arise out of different series of acts; or

9 (2) When a defendant is convicted of any felony and the  
10 court finds that the offense was accompanied by  
11 exceptionally brutal or heinous behavior indicative of  
12 wanton cruelty; or

13 (3) When a defendant is convicted of any felony  
14 committed against:

15 (i) a person under 12 years of age at the time of  
16 the offense or such person's property;

17 (ii) a person 60 years of age or older at the time  
18 of the offense or such person's property; or

19 (iii) a person physically handicapped at the time  
20 of the offense or such person's property; or

21 (4) When a defendant is convicted of any felony and the  
22 offense involved any of the following types of specific  
23 misconduct committed as part of a ceremony, rite,  
24 initiation, observance, performance, practice or activity  
25 of any actual or ostensible religious, fraternal, or social  
26 group:

1 (i) the brutalizing or torturing of humans or  
2 animals;

3 (ii) the theft of human corpses;

4 (iii) the kidnapping of humans;

5 (iv) the desecration of any cemetery, religious,  
6 fraternal, business, governmental, educational, or  
7 other building or property; or

8 (v) ritualized abuse of a child; or

9 (5) When a defendant is convicted of a felony other  
10 than conspiracy and the court finds that the felony was  
11 committed under an agreement with 2 or more other persons  
12 to commit that offense and the defendant, with respect to  
13 the other individuals, occupied a position of organizer,  
14 supervisor, financier, or any other position of management  
15 or leadership, and the court further finds that the felony  
16 committed was related to or in furtherance of the criminal  
17 activities of an organized gang or was motivated by the  
18 defendant's leadership in an organized gang; or

19 (6) When a defendant is convicted of an offense  
20 committed while using a firearm with a laser sight attached  
21 to it. For purposes of this paragraph, "laser sight" has  
22 the meaning ascribed to it in Section 26-7 ~~24.6-5~~ of the  
23 Criminal Code of 1961; or

24 (7) When a defendant who was at least 17 years of age  
25 at the time of the commission of the offense is convicted  
26 of a felony and has been previously adjudicated a

1 delinquent minor under the Juvenile Court Act of 1987 for  
2 an act that if committed by an adult would be a Class X or  
3 Class 1 felony when the conviction has occurred within 10  
4 years after the previous adjudication, excluding time  
5 spent in custody; or

6 (8) When a defendant commits any felony and the  
7 defendant used, possessed, exercised control over, or  
8 otherwise directed an animal to assault a law enforcement  
9 officer engaged in the execution of his or her official  
10 duties or in furtherance of the criminal activities of an  
11 organized gang in which the defendant is engaged.

12 (c) The following factors may be considered by the court as  
13 reasons to impose an extended term sentence under Section 5-8-2  
14 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

15 (1) When a defendant is convicted of first degree  
16 murder, after having been previously convicted in Illinois  
17 of any offense listed under paragraph (c)(2) of Section  
18 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
19 within 10 years after the previous conviction, excluding  
20 time spent in custody, and the charges are separately  
21 brought and tried and arise out of different series of  
22 acts.

23 (1.5) When a defendant is convicted of first degree  
24 murder, after having been previously convicted of domestic  
25 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
26 (720 ILCS 5/12-3.3) committed on the same victim or after

1           having been previously convicted of violation of an order  
2           of protection (720 ILCS 5/12-30) in which the same victim  
3           was the protected person.

4           (2) When a defendant is convicted of voluntary  
5           manslaughter, second degree murder, involuntary  
6           manslaughter, or reckless homicide in which the defendant  
7           has been convicted of causing the death of more than one  
8           individual.

9           (3) When a defendant is convicted of aggravated  
10          criminal sexual assault or criminal sexual assault, when  
11          there is a finding that aggravated criminal sexual assault  
12          or criminal sexual assault was also committed on the same  
13          victim by one or more other individuals, and the defendant  
14          voluntarily participated in the crime with the knowledge of  
15          the participation of the others in the crime, and the  
16          commission of the crime was part of a single course of  
17          conduct during which there was no substantial change in the  
18          nature of the criminal objective.

19          (4) If the victim was under 18 years of age at the time  
20          of the commission of the offense, when a defendant is  
21          convicted of aggravated criminal sexual assault or  
22          predatory criminal sexual assault of a child under  
23          subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
24          of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS  
25          5/11-1.40 or 5/12-14.1).

26          (5) When a defendant is convicted of a felony violation

1 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
2 5/24-1) and there is a finding that the defendant is a  
3 member of an organized gang.

4 (6) When a defendant was convicted of unlawful use of  
5 weapons under Section 24-1 of the Criminal Code of 1961  
6 (720 ILCS 5/24-1) for possessing a weapon that is not  
7 readily distinguishable as one of the weapons enumerated in  
8 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
9 5/24-1).

10 (7) When a defendant is convicted of an offense  
11 involving the illegal manufacture of a controlled  
12 substance under Section 401 of the Illinois Controlled  
13 Substances Act (720 ILCS 570/401), the illegal manufacture  
14 of methamphetamine under Section 25 of the Methamphetamine  
15 Control and Community Protection Act (720 ILCS 646/25), or  
16 the illegal possession of explosives and an emergency  
17 response officer in the performance of his or her duties is  
18 killed or injured at the scene of the offense while  
19 responding to the emergency caused by the commission of the  
20 offense. In this paragraph, "emergency" means a situation  
21 in which a person's life, health, or safety is in jeopardy;  
22 and "emergency response officer" means a peace officer,  
23 community policing volunteer, fireman, emergency medical  
24 technician-ambulance, emergency medical  
25 technician-intermediate, emergency medical  
26 technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency  
2 room personnel.

3 (d) For the purposes of this Section, "organized gang" has  
4 the meaning ascribed to it in Section 10 of the Illinois  
5 Streetgang Terrorism Omnibus Prevention Act.

6 (e) The court may impose an extended term sentence under  
7 Article 4.5 of Chapter V upon an offender who has been  
8 convicted of a felony violation of Section 12-13, 12-14,  
9 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the  
10 victim of the offense is under 18 years of age at the time of  
11 the commission of the offense and, during the commission of the  
12 offense, the victim was under the influence of alcohol,  
13 regardless of whether or not the alcohol was supplied by the  
14 offender; and the offender, at the time of the commission of  
15 the offense, knew or should have known that the victim had  
16 consumed alcohol.

17 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,  
18 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;  
19 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.  
20 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,  
21 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,  
22 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

23 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

24 Sec. 5-5-5. Loss and Restoration of Rights.

25 (a) Conviction and disposition shall not entail the loss by

1 the defendant of any civil rights, except under this Section  
2 and Sections 29-6 and 29-10 of The Election Code, as now or  
3 hereafter amended.

4 (b) A person convicted of a felony shall be ineligible to  
5 hold an office created by the Constitution of this State until  
6 the completion of his sentence.

7 (c) A person sentenced to imprisonment shall lose his right  
8 to vote until released from imprisonment.

9 (d) On completion of sentence of imprisonment or upon  
10 discharge from probation, conditional discharge or periodic  
11 imprisonment, or at any time thereafter, all license rights and  
12 privileges granted under the authority of this State which have  
13 been revoked or suspended because of conviction of an offense  
14 shall be restored unless the authority having jurisdiction of  
15 such license rights finds after investigation and hearing that  
16 restoration is not in the public interest. This paragraph (d)  
17 shall not apply to the suspension or revocation of a license to  
18 operate a motor vehicle under the Illinois Vehicle Code.

19 (e) Upon a person's discharge from incarceration or parole,  
20 or upon a person's discharge from probation or at any time  
21 thereafter, the committing court may enter an order certifying  
22 that the sentence has been satisfactorily completed when the  
23 court believes it would assist in the rehabilitation of the  
24 person and be consistent with the public welfare. Such order  
25 may be entered upon the motion of the defendant or the State or  
26 upon the court's own motion.

1           (f) Upon entry of the order, the court shall issue to the  
2 person in whose favor the order has been entered a certificate  
3 stating that his behavior after conviction has warranted the  
4 issuance of the order.

5           (g) This Section shall not affect the right of a defendant  
6 to collaterally attack his conviction or to rely on it in bar  
7 of subsequent proceedings for the same offense.

8           (h) No application for any license specified in subsection  
9 (i) of this Section granted under the authority of this State  
10 shall be denied by reason of an eligible offender who has  
11 obtained a certificate of relief from disabilities, as defined  
12 in Article 5.5 of this Chapter, having been previously  
13 convicted of one or more criminal offenses, or by reason of a  
14 finding of lack of "good moral character" when the finding is  
15 based upon the fact that the applicant has previously been  
16 convicted of one or more criminal offenses, unless:

17           (1) there is a direct relationship between one or more  
18 of the previous criminal offenses and the specific license  
19 sought; or

20           (2) the issuance of the license would involve an  
21 unreasonable risk to property or to the safety or welfare  
22 of specific individuals or the general public.

23           In making such a determination, the licensing agency shall  
24 consider the following factors:

25           (1) the public policy of this State, as expressed in  
26 Article 5.5 of this Chapter, to encourage the licensure and

1 employment of persons previously convicted of one or more  
2 criminal offenses;

3 (2) the specific duties and responsibilities  
4 necessarily related to the license being sought;

5 (3) the bearing, if any, the criminal offenses or  
6 offenses for which the person was previously convicted will  
7 have on his or her fitness or ability to perform one or  
8 more such duties and responsibilities;

9 (4) the time which has elapsed since the occurrence of  
10 the criminal offense or offenses;

11 (5) the age of the person at the time of occurrence of  
12 the criminal offense or offenses;

13 (6) the seriousness of the offense or offenses;

14 (7) any information produced by the person or produced  
15 on his or her behalf in regard to his or her rehabilitation  
16 and good conduct, including a certificate of relief from  
17 disabilities issued to the applicant, which certificate  
18 shall create a presumption of rehabilitation in regard to  
19 the offense or offenses specified in the certificate; and

20 (8) the legitimate interest of the licensing agency in  
21 protecting property, and the safety and welfare of specific  
22 individuals or the general public.

23 (i) A certificate of relief from disabilities shall be  
24 issued only for a license or certification issued under the  
25 following Acts:

26 (1) the Animal Welfare Act; except that a certificate

1 of relief from disabilities may not be granted to provide  
2 for the issuance or restoration of a license under the  
3 Animal Welfare Act for any person convicted of violating  
4 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
5 Care for Animals Act or Section 26-5 or 48-1 of the  
6 Criminal Code of 1961;

7 (2) the Illinois Athletic Trainers Practice Act;

8 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
9 and Nail Technology Act of 1985;

10 (4) the Boiler and Pressure Vessel Repairer Regulation  
11 Act;

12 (5) the Boxing and Full-contact Martial Arts Act;

13 (6) the Illinois Certified Shorthand Reporters Act of  
14 1984;

15 (7) the Illinois Farm Labor Contractor Certification  
16 Act;

17 (8) the Interior Design Title Act;

18 (9) the Illinois Professional Land Surveyor Act of  
19 1989;

20 (10) the Illinois Landscape Architecture Act of 1989;

21 (11) the Marriage and Family Therapy Licensing Act;

22 (12) the Private Employment Agency Act;

23 (13) the Professional Counselor and Clinical  
24 Professional Counselor Licensing Act;

25 (14) the Real Estate License Act of 2000;

26 (15) the Illinois Roofing Industry Licensing Act;

1           (16) the Professional Engineering Practice Act of  
2           1989;

3           (17) the Water Well and Pump Installation Contractor's  
4           License Act;

5           (18) the Electrologist Licensing Act;

6           (19) the Auction License Act;

7           (20) Illinois Architecture Practice Act of 1989;

8           (21) the Dietetic and Nutrition Services Practice Act;

9           (22) the Environmental Health Practitioner Licensing  
10          Act;

11          (23) the Funeral Directors and Embalmers Licensing  
12          Code;

13          (24) the Land Sales Registration Act of 1999;

14          (25) the Professional Geologist Licensing Act;

15          (26) the Illinois Public Accounting Act; and

16          (27) the Structural Engineering Practice Act of 1989.

17          (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11.)

18                 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

19                 Sec. 5-6-1. Sentences of Probation and of Conditional  
20                 Discharge and Disposition of Supervision. The General Assembly  
21                 finds that in order to protect the public, the criminal justice  
22                 system must compel compliance with the conditions of probation  
23                 by responding to violations with swift, certain and fair  
24                 punishments and intermediate sanctions. The Chief Judge of each  
25                 circuit shall adopt a system of structured, intermediate

1 sanctions for violations of the terms and conditions of a  
2 sentence of probation, conditional discharge or disposition of  
3 supervision.

4 (a) Except where specifically prohibited by other  
5 provisions of this Code, the court shall impose a sentence of  
6 probation or conditional discharge upon an offender unless,  
7 having regard to the nature and circumstance of the offense,  
8 and to the history, character and condition of the offender,  
9 the court is of the opinion that:

10 (1) his imprisonment or periodic imprisonment is  
11 necessary for the protection of the public; or

12 (2) probation or conditional discharge would deprecate  
13 the seriousness of the offender's conduct and would be  
14 inconsistent with the ends of justice; or

15 (3) a combination of imprisonment with concurrent or  
16 consecutive probation when an offender has been admitted  
17 into a drug court program under Section 20 of the Drug  
18 Court Treatment Act is necessary for the protection of the  
19 public and for the rehabilitation of the offender.

20 The court shall impose as a condition of a sentence of  
21 probation, conditional discharge, or supervision, that the  
22 probation agency may invoke any sanction from the list of  
23 intermediate sanctions adopted by the chief judge of the  
24 circuit court for violations of the terms and conditions of the  
25 sentence of probation, conditional discharge, or supervision,  
26 subject to the provisions of Section 5-6-4 of this Act.

1 (b) The court may impose a sentence of conditional  
2 discharge for an offense if the court is of the opinion that  
3 neither a sentence of imprisonment nor of periodic imprisonment  
4 nor of probation supervision is appropriate.

5 (b-1) Subsections (a) and (b) of this Section do not apply  
6 to a defendant charged with a misdemeanor or felony under the  
7 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
8 the Criminal Code of 1961 if the defendant within the past 12  
9 months has been convicted of or pleaded guilty to a misdemeanor  
10 or felony under the Illinois Vehicle Code or reckless homicide  
11 under Section 9-3 of the Criminal Code of 1961.

12 (c) The court may, upon a plea of guilty or a stipulation  
13 by the defendant of the facts supporting the charge or a  
14 finding of guilt, defer further proceedings and the imposition  
15 of a sentence, and enter an order for supervision of the  
16 defendant, if the defendant is not charged with: (i) a Class A  
17 misdemeanor, as defined by the following provisions of the  
18 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or  
19 12-15; 26-5; 31-1; 31-6; 31-7; paragraphs (2) and (3) of  
20 subsection (a) ~~subsections (b) and (c)~~ of Section 21-1;  
21 paragraph (1) through (5), (8), (10), and (11) of subsection  
22 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
23 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
24 Act; or (iii) a felony. If the defendant is not barred from  
25 receiving an order for supervision as provided in this  
26 subsection, the court may enter an order for supervision after

1 considering the circumstances of the offense, and the history,  
2 character and condition of the offender, if the court is of the  
3 opinion that:

4 (1) the offender is not likely to commit further  
5 crimes;

6 (2) the defendant and the public would be best served  
7 if the defendant were not to receive a criminal record; and

8 (3) in the best interests of justice an order of  
9 supervision is more appropriate than a sentence otherwise  
10 permitted under this Code.

11 (c-5) Subsections (a), (b), and (c) of this Section do not  
12 apply to a defendant charged with a second or subsequent  
13 violation of Section 6-303 of the Illinois Vehicle Code  
14 committed while his or her driver's license, permit or  
15 privileges were revoked because of a violation of Section 9-3  
16 of the Criminal Code of 1961, relating to the offense of  
17 reckless homicide, or a similar provision of a law of another  
18 state.

19 (d) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Section 11-501 of the Illinois  
21 Vehicle Code or a similar provision of a local ordinance when  
22 the defendant has previously been:

23 (1) convicted for a violation of Section 11-501 of the  
24 Illinois Vehicle Code or a similar provision of a local  
25 ordinance or any similar law or ordinance of another state;  
26 or

1           (2) assigned supervision for a violation of Section  
2           11-501 of the Illinois Vehicle Code or a similar provision  
3           of a local ordinance or any similar law or ordinance of  
4           another state; or

5           (3) pleaded guilty to or stipulated to the facts  
6           supporting a charge or a finding of guilty to a violation  
7           of Section 11-503 of the Illinois Vehicle Code or a similar  
8           provision of a local ordinance or any similar law or  
9           ordinance of another state, and the plea or stipulation was  
10          the result of a plea agreement.

11          The court shall consider the statement of the prosecuting  
12          authority with regard to the standards set forth in this  
13          Section.

14          (e) The provisions of paragraph (c) shall not apply to a  
15          defendant charged with violating Section 16-25 or 16A-3 of the  
16          Criminal Code of 1961 if said defendant has within the last 5  
17          years been:

18               (1) convicted for a violation of Section 16-25 or 16A-3  
19               of the Criminal Code of 1961; or

20               (2) assigned supervision for a violation of Section  
21               16-25 or 16A-3 of the Criminal Code of 1961.

22          The court shall consider the statement of the prosecuting  
23          authority with regard to the standards set forth in this  
24          Section.

25          (f) The provisions of paragraph (c) shall not apply to a  
26          defendant charged with violating Sections 15-111, 15-112,

1 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
2 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
3 similar provision of a local ordinance.

4 (g) Except as otherwise provided in paragraph (i) of this  
5 Section, the provisions of paragraph (c) shall not apply to a  
6 defendant charged with violating Section 3-707, 3-708, 3-710,  
7 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
8 of a local ordinance if the defendant has within the last 5  
9 years been:

10 (1) convicted for a violation of Section 3-707, 3-708,  
11 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
12 provision of a local ordinance; or

13 (2) assigned supervision for a violation of Section  
14 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
15 Code or a similar provision of a local ordinance.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (h) The provisions of paragraph (c) shall not apply to a  
20 defendant under the age of 21 years charged with violating a  
21 serious traffic offense as defined in Section 1-187.001 of the  
22 Illinois Vehicle Code:

23 (1) unless the defendant, upon payment of the fines,  
24 penalties, and costs provided by law, agrees to attend and  
25 successfully complete a traffic safety program approved by  
26 the court under standards set by the Conference of Chief

1 Circuit Judges. The accused shall be responsible for  
2 payment of any traffic safety program fees. If the accused  
3 fails to file a certificate of successful completion on or  
4 before the termination date of the supervision order, the  
5 supervision shall be summarily revoked and conviction  
6 entered. The provisions of Supreme Court Rule 402 relating  
7 to pleas of guilty do not apply in cases when a defendant  
8 enters a guilty plea under this provision; or

9 (2) if the defendant has previously been sentenced  
10 under the provisions of paragraph (c) on or after January  
11 1, 1998 for any serious traffic offense as defined in  
12 Section 1-187.001 of the Illinois Vehicle Code.

13 (h-1) The provisions of paragraph (c) shall not apply to a  
14 defendant under the age of 21 years charged with an offense  
15 against traffic regulations governing the movement of vehicles  
16 or any violation of Section 6-107 or Section 12-603.1 of the  
17 Illinois Vehicle Code, unless the defendant, upon payment of  
18 the fines, penalties, and costs provided by law, agrees to  
19 attend and successfully complete a traffic safety program  
20 approved by the court under standards set by the Conference of  
21 Chief Circuit Judges. The accused shall be responsible for  
22 payment of any traffic safety program fees. If the accused  
23 fails to file a certificate of successful completion on or  
24 before the termination date of the supervision order, the  
25 supervision shall be summarily revoked and conviction entered.  
26 The provisions of Supreme Court Rule 402 relating to pleas of

1 guilty do not apply in cases when a defendant enters a guilty  
2 plea under this provision.

3 (i) The provisions of paragraph (c) shall not apply to a  
4 defendant charged with violating Section 3-707 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance if the  
6 defendant has been assigned supervision for a violation of  
7 Section 3-707 of the Illinois Vehicle Code or a similar  
8 provision of a local ordinance.

9 (j) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 6-303 of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance when  
12 the revocation or suspension was for a violation of Section  
13 11-501 or a similar provision of a local ordinance or a  
14 violation of Section 11-501.1 or paragraph (b) of Section  
15 11-401 of the Illinois Vehicle Code if the defendant has within  
16 the last 10 years been:

17 (1) convicted for a violation of Section 6-303 of the  
18 Illinois Vehicle Code or a similar provision of a local  
19 ordinance; or

20 (2) assigned supervision for a violation of Section  
21 6-303 of the Illinois Vehicle Code or a similar provision  
22 of a local ordinance.

23 (k) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating any provision of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance that  
26 governs the movement of vehicles if, within the 12 months

1 preceding the date of the defendant's arrest, the defendant has  
2 been assigned court supervision on 2 occasions for a violation  
3 that governs the movement of vehicles under the Illinois  
4 Vehicle Code or a similar provision of a local ordinance. The  
5 provisions of this paragraph (k) do not apply to a defendant  
6 charged with violating Section 11-501 of the Illinois Vehicle  
7 Code or a similar provision of a local ordinance.

8 (l) A defendant charged with violating any provision of the  
9 Illinois Vehicle Code or a similar provision of a local  
10 ordinance who receives a disposition of supervision under  
11 subsection (c) shall pay an additional fee of \$29, to be  
12 collected as provided in Sections 27.5 and 27.6 of the Clerks  
13 of Courts Act. In addition to the \$29 fee, the person shall  
14 also pay a fee of \$6, which, if not waived by the court, shall  
15 be collected as provided in Sections 27.5 and 27.6 of the  
16 Clerks of Courts Act. The \$29 fee shall be disbursed as  
17 provided in Section 16-104c of the Illinois Vehicle Code. If  
18 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
19 into the Circuit Court Clerk Operation and Administrative Fund  
20 created by the Clerk of the Circuit Court and 50 cents of the  
21 fee shall be deposited into the Prisoner Review Board Vehicle  
22 and Equipment Fund in the State treasury.

23 (m) Any person convicted of, pleading guilty to, or placed  
24 on supervision for a serious traffic violation, as defined in  
25 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
26 Section 11-501 of the Illinois Vehicle Code, or a violation of

1 a similar provision of a local ordinance shall pay an  
2 additional fee of \$35, to be disbursed as provided in Section  
3 16-104d of that Code.

4 This subsection (m) becomes inoperative 7 years after  
5 October 13, 2007 (the effective date of Public Act 95-154).

6 (n) The provisions of paragraph (c) shall not apply to any  
7 person under the age of 18 who commits an offense against  
8 traffic regulations governing the movement of vehicles or any  
9 violation of Section 6-107 or Section 12-603.1 of the Illinois  
10 Vehicle Code, except upon personal appearance of the defendant  
11 in court and upon the written consent of the defendant's parent  
12 or legal guardian, executed before the presiding judge. The  
13 presiding judge shall have the authority to waive this  
14 requirement upon the showing of good cause by the defendant.

15 (o) The provisions of paragraph (c) shall not apply to a  
16 defendant charged with violating Section 6-303 of the Illinois  
17 Vehicle Code or a similar provision of a local ordinance when  
18 the suspension was for a violation of Section 11-501.1 of the  
19 Illinois Vehicle Code and when:

20 (1) at the time of the violation of Section 11-501.1 of  
21 the Illinois Vehicle Code, the defendant was a first  
22 offender pursuant to Section 11-500 of the Illinois Vehicle  
23 Code and the defendant failed to obtain a monitoring device  
24 driving permit; or

25 (2) at the time of the violation of Section 11-501.1 of  
26 the Illinois Vehicle Code, the defendant was a first

1 offender pursuant to Section 11-500 of the Illinois Vehicle  
2 Code, had subsequently obtained a monitoring device  
3 driving permit, but was driving a vehicle not equipped with  
4 a breath alcohol ignition interlock device as defined in  
5 Section 1-129.1 of the Illinois Vehicle Code.

6 (p) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating subsection (b) of Section  
8 11-601.5 of the Illinois Vehicle Code or a similar provision of  
9 a local ordinance.

10 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;  
11 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.  
12 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,  
13 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12.)

14 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

15 Sec. 5-8-4. Concurrent and consecutive terms of  
16 imprisonment.

17 (a) Concurrent terms; multiple or additional sentences.  
18 When an Illinois court (i) imposes multiple sentences of  
19 imprisonment on a defendant at the same time or (ii) imposes a  
20 sentence of imprisonment on a defendant who is already subject  
21 to a sentence of imprisonment imposed by an Illinois court, a  
22 court of another state, or a federal court, then the sentences  
23 shall run concurrently unless otherwise determined by the  
24 Illinois court under this Section.

25 (b) Concurrent terms; misdemeanor and felony. A defendant

1 serving a sentence for a misdemeanor who is convicted of a  
2 felony and sentenced to imprisonment shall be transferred to  
3 the Department of Corrections, and the misdemeanor sentence  
4 shall be merged in and run concurrently with the felony  
5 sentence.

6 (c) Consecutive terms; permissive. The court may impose  
7 consecutive sentences in any of the following circumstances:

8 (1) If, having regard to the nature and circumstances  
9 of the offense and the history and character of the  
10 defendant, it is the opinion of the court that consecutive  
11 sentences are required to protect the public from further  
12 criminal conduct by the defendant, the basis for which the  
13 court shall set forth in the record.

14 (2) If one of the offenses for which a defendant was  
15 convicted was a violation of Section 32-5.2 (aggravated  
16 false personation of a peace officer) of the Criminal Code  
17 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
18 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS  
19 5/17-2) and the offense was committed in attempting or  
20 committing a forcible felony.

21 (d) Consecutive terms; mandatory. The court shall impose  
22 consecutive sentences in each of the following circumstances:

23 (1) One of the offenses for which the defendant was  
24 convicted was first degree murder or a Class X or Class 1  
25 felony and the defendant inflicted severe bodily injury.

26 (2) The defendant was convicted of a violation of

1 Section 11-20.1 (child pornography), 11-20.1B or 11-20.3  
2 (aggravated child pornography), 11-1.20 or 12-13 (criminal  
3 sexual assault), 11-1.30 or 12-14 (aggravated criminal  
4 sexual assault), or 11-1.40 or 12-14.1 (predatory criminal  
5 sexual assault of a child) of the Criminal Code of 1961  
6 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3, 5/11-1.20,  
7 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

8 (3) The defendant was convicted of armed violence based  
9 upon the predicate offense of any of the following:  
10 solicitation of murder, solicitation of murder for hire,  
11 heinous battery as described in Section 12-4.1 or  
12 subdivision (a)(2) of Section 12-3.05, aggravated battery  
13 of a senior citizen as described in Section 12-4.6 or  
14 subdivision (a)(4) of Section 12-3.05, criminal sexual  
15 assault, a violation of subsection (g) of Section 5 of the  
16 Cannabis Control Act (720 ILCS 550/5), cannabis  
17 trafficking, a violation of subsection (a) of Section 401  
18 of the Illinois Controlled Substances Act (720 ILCS  
19 570/401), controlled substance trafficking involving a  
20 Class X felony amount of controlled substance under Section  
21 401 of the Illinois Controlled Substances Act (720 ILCS  
22 570/401), a violation of the Methamphetamine Control and  
23 Community Protection Act (720 ILCS 646/), calculated  
24 criminal drug conspiracy, or streetgang criminal drug  
25 conspiracy.

26 (4) The defendant was convicted of the offense of

1 leaving the scene of a motor vehicle accident involving  
2 death or personal injuries under Section 11-401 of the  
3 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
4 aggravated driving under the influence of alcohol, other  
5 drug or drugs, or intoxicating compound or compounds, or  
6 any combination thereof under Section 11-501 of the  
7 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
8 homicide under Section 9-3 of the Criminal Code of 1961  
9 (720 ILCS 5/9-3), or (C) both an offense described in item  
10 (A) and an offense described in item (B).

11 (5) The defendant was convicted of a violation of  
12 Section 9-3.1 (concealment of homicidal death) or Section  
13 12-20.5 (dismembering a human body) of the Criminal Code of  
14 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

15 (5.5) The defendant was convicted of a violation of  
16 Section 24-3.7 (use of a stolen firearm in the commission  
17 of an offense) of the Criminal Code of 1961.

18 (6) If the defendant was in the custody of the  
19 Department of Corrections at the time of the commission of  
20 the offense, the sentence shall be served consecutive to  
21 the sentence under which the defendant is held by the  
22 Department of Corrections. If, however, the defendant is  
23 sentenced to punishment by death, the sentence shall be  
24 executed at such time as the court may fix without regard  
25 to the sentence under which the defendant may be held by  
26 the Department.

1           (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
2 for escape or attempted escape shall be served consecutive  
3 to the terms under which the offender is held by the  
4 Department of Corrections.

5           (8) If a person charged with a felony commits a  
6 separate felony while on pretrial release or in pretrial  
7 detention in a county jail facility or county detention  
8 facility, then the sentences imposed upon conviction of  
9 these felonies shall be served consecutively regardless of  
10 the order in which the judgments of conviction are entered.

11           (8.5) If a person commits a battery against a county  
12 correctional officer or sheriff's employee while serving a  
13 sentence or in pretrial detention in a county jail  
14 facility, then the sentence imposed upon conviction of the  
15 battery shall be served consecutively with the sentence  
16 imposed upon conviction of the earlier misdemeanor or  
17 felony, regardless of the order in which the judgments of  
18 conviction are entered.

19           (9) If a person admitted to bail following conviction  
20 of a felony commits a separate felony while free on bond or  
21 if a person detained in a county jail facility or county  
22 detention facility following conviction of a felony  
23 commits a separate felony while in detention, then any  
24 sentence following conviction of the separate felony shall  
25 be consecutive to that of the original sentence for which  
26 the defendant was on bond or detained.

1           (10) If a person is found to be in possession of an  
2           item of contraband, as defined in ~~clause (c) (2) of~~ Section  
3           31A-0.1 ~~31A-1.1~~ of the Criminal Code of 1961, while serving  
4           a sentence in a county jail or while in pre-trial detention  
5           in a county jail, the sentence imposed upon conviction for  
6           the offense of possessing contraband in a penal institution  
7           shall be served consecutively to the sentence imposed for  
8           the offense in which the person is serving sentence in the  
9           county jail or serving pretrial detention, regardless of  
10          the order in which the judgments of conviction are entered.

11          (11) If a person is sentenced for a violation of bail  
12          bond under Section 32-10 of the Criminal Code of 1961, any  
13          sentence imposed for that violation shall be served  
14          consecutive to the sentence imposed for the charge for  
15          which bail had been granted and with respect to which the  
16          defendant has been convicted.

17          (e) Consecutive terms; subsequent non-Illinois term. If an  
18          Illinois court has imposed a sentence of imprisonment on a  
19          defendant and the defendant is subsequently sentenced to a term  
20          of imprisonment by a court of another state or a federal court,  
21          then the Illinois sentence shall run consecutively to the  
22          sentence imposed by the court of the other state or the federal  
23          court. That same Illinois court, however, may order that the  
24          Illinois sentence run concurrently with the sentence imposed by  
25          the court of the other state or the federal court, but only if  
26          the defendant applies to that same Illinois court within 30

1 days after the sentence imposed by the court of the other state  
2 or the federal court is finalized.

3 (f) Consecutive terms; aggregate maximums and minimums.  
4 The aggregate maximum and aggregate minimum of consecutive  
5 sentences shall be determined as follows:

6 (1) For sentences imposed under law in effect prior to  
7 February 1, 1978, the aggregate maximum of consecutive  
8 sentences shall not exceed the maximum term authorized  
9 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
10 Chapter V for the 2 most serious felonies involved. The  
11 aggregate minimum period of consecutive sentences shall  
12 not exceed the highest minimum term authorized under  
13 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
14 V for the 2 most serious felonies involved. When sentenced  
15 only for misdemeanors, a defendant shall not be  
16 consecutively sentenced to more than the maximum for one  
17 Class A misdemeanor.

18 (2) For sentences imposed under the law in effect on or  
19 after February 1, 1978, the aggregate of consecutive  
20 sentences for offenses that were committed as part of a  
21 single course of conduct during which there was no  
22 substantial change in the nature of the criminal objective  
23 shall not exceed the sum of the maximum terms authorized  
24 under Article 4.5 of Chapter V for the 2 most serious  
25 felonies involved, but no such limitation shall apply for  
26 offenses that were not committed as part of a single course

1 of conduct during which there was no substantial change in  
2 the nature of the criminal objective. When sentenced only  
3 for misdemeanors, a defendant shall not be consecutively  
4 sentenced to more than the maximum for one Class A  
5 misdemeanor.

6 (g) Consecutive terms; manner served. In determining the  
7 manner in which consecutive sentences of imprisonment, one or  
8 more of which is for a felony, will be served, the Department  
9 of Corrections shall treat the defendant as though he or she  
10 had been committed for a single term subject to each of the  
11 following:

12 (1) The maximum period of a term of imprisonment shall  
13 consist of the aggregate of the maximums of the imposed  
14 indeterminate terms, if any, plus the aggregate of the  
15 imposed determinate sentences for felonies, plus the  
16 aggregate of the imposed determinate sentences for  
17 misdemeanors, subject to subsection (f) of this Section.

18 (2) The parole or mandatory supervised release term  
19 shall be as provided in paragraph (e) of Section 5-4.5-50  
20 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
21 involved.

22 (3) The minimum period of imprisonment shall be the  
23 aggregate of the minimum and determinate periods of  
24 imprisonment imposed by the court, subject to subsection  
25 (f) of this Section.

26 (4) The defendant shall be awarded credit against the

1 aggregate maximum term and the aggregate minimum term of  
2 imprisonment for all time served in an institution since  
3 the commission of the offense or offenses and as a  
4 consequence thereof at the rate specified in Section 3-6-3  
5 (730 ILCS 5/3-6-3).

6 (Source: P.A. 96-190, eff. 1-1-10; 96-1000, eff. 7-2-10;  
7 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff.  
8 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,  
9 Article 10, Section 10-150, eff. 7-1-11; 97-475, eff. 8-22-11;  
10 revised 9-14-11.)

11 Section 15-40. The Arsonist Registration Act is amended by  
12 changing Section 5 as follows:

13 (730 ILCS 148/5)

14 Sec. 5. Definitions. In this Act:

15 (a) "Arsonist" means any person who is:

16 (1) charged under Illinois law, or any substantially  
17 similar federal, Uniform Code of Military Justice, sister  
18 state, or foreign country law, with an arson offense, set  
19 forth in subsection (b) of this Section or the attempt to  
20 commit an included arson offense, and:

21 (i) is convicted of such offense or an attempt to  
22 commit such offense; or

23 (ii) is found not guilty by reason of insanity of  
24 such offense or an attempt to commit such offense; or

1           (iii) is found not guilty by reason of insanity  
2 under subsection (c) of Section 104-25 of the Code of  
3 Criminal Procedure of 1963 of such offense or an  
4 attempt to commit such offense; or

5           (iv) is the subject of a finding not resulting in  
6 an acquittal at a hearing conducted under subsection  
7 (a) of Section 104-25 of the Code of Criminal Procedure  
8 of 1963 for the alleged commission or attempted  
9 commission of such offense; or

10          (v) is found not guilty by reason of insanity  
11 following a hearing conducted under a federal, Uniform  
12 Code of Military Justice, sister state, or foreign  
13 country law substantially similar to subsection (c) of  
14 Section 104-25 of the Code of Criminal Procedure of  
15 1963 of such offense or of the attempted commission of  
16 such offense; or

17          (vi) is the subject of a finding not resulting in  
18 an acquittal at a hearing conducted under a federal,  
19 Uniform Code of Military Justice, sister state, or  
20 foreign country law substantially similar to  
21 subsection (a) of Section 104-25 of the Code of  
22 Criminal Procedure of 1963 for the alleged violation or  
23 attempted commission of such offense;

24          (2) is a minor who has been tried and convicted in an  
25 adult criminal prosecution as the result of committing or  
26 attempting to commit an offense specified in subsection (b)

1 of this Section or a violation of any substantially similar  
2 federal, Uniform Code of Military Justice, sister state, or  
3 foreign country law. Convictions that result from or are  
4 connected with the same act, or result from offenses  
5 committed at the same time, shall be counted for the  
6 purpose of this Act as one conviction. Any conviction set  
7 aside under law is not a conviction for purposes of this  
8 Act.

9 (b) "Arson offense" means:

10 (1) A violation of any of the following Sections of the  
11 Criminal Code of 1961:

12 (i) 20-1 (arson),

13 (ii) 20-1.1 (aggravated arson),

14 (iii) 20-1(b) or 20-1.2 (residential arson),

15 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

16 (v) 20-2 (possession of explosives or explosive or  
17 incendiary devices), or

18 (vi) An attempt to commit any of the offenses  
19 listed in clauses (i) through (v).

20 (2) A violation of any former law of this State  
21 substantially equivalent to any offense listed in  
22 subsection (b) of this Section.

23 (c) A conviction for an offense of federal law, Uniform  
24 Code of Military Justice, or the law of another state or a  
25 foreign country that is substantially equivalent to any offense  
26 listed in subsection (b) of this Section shall constitute a

1 conviction for the purpose of this Act.

2 (d) "Law enforcement agency having jurisdiction" means the  
3 Chief of Police in each of the municipalities in which the  
4 arsonist expects to reside, work, or attend school (1) upon his  
5 or her discharge, parole or release or (2) during the service  
6 of his or her sentence of probation or conditional discharge,  
7 or the Sheriff of the county, in the event no Police Chief  
8 exists or if the offender intends to reside, work, or attend  
9 school in an unincorporated area. "Law enforcement agency  
10 having jurisdiction" includes the location where out-of-state  
11 students attend school and where out-of-state employees are  
12 employed or are otherwise required to register.

13 (e) "Out-of-state student" means any arsonist, as defined  
14 in this Section, who is enrolled in Illinois, on a full-time or  
15 part-time basis, in any public or private educational  
16 institution, including, but not limited to, any secondary  
17 school, trade or professional institution, or institution of  
18 higher learning.

19 (f) "Out-of-state employee" means any arsonist, as defined  
20 in this Section, who works in Illinois, regardless of whether  
21 the individual receives payment for services performed, for a  
22 period of time of 10 or more days or for an aggregate period of  
23 time of 30 or more days during any calendar year. Persons who  
24 operate motor vehicles in the State accrue one day of  
25 employment time for any portion of a day spent in Illinois.

26 (g) "I-CLEAR" means the Illinois Citizens and Law

1 Enforcement Analysis and Reporting System.

2 (Source: P.A. 93-949, eff. 1-1-05.)

3 Section 15-45. The Murderer and Violent Offender Against  
4 Youth Registration Act is amended by changing Section 5 as  
5 follows:

6 (730 ILCS 154/5)

7 Sec. 5. Definitions.

8 (a) As used in this Act, "violent offender against youth"  
9 means any person who is:

10 (1) charged pursuant to Illinois law, or any  
11 substantially similar federal, Uniform Code of Military  
12 Justice, sister state, or foreign country law, with a  
13 violent offense against youth set forth in subsection (b)  
14 of this Section or the attempt to commit an included  
15 violent offense against youth, and:

16 (A) is convicted of such offense or an attempt to  
17 commit such offense; or

18 (B) is found not guilty by reason of insanity of  
19 such offense or an attempt to commit such offense; or

20 (C) is found not guilty by reason of insanity  
21 pursuant to subsection (c) of Section 104-25 of the  
22 Code of Criminal Procedure of 1963 of such offense or  
23 an attempt to commit such offense; or

24 (D) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to  
2 subsection (a) of Section 104-25 of the Code of  
3 Criminal Procedure of 1963 for the alleged commission  
4 or attempted commission of such offense; or

5 (E) is found not guilty by reason of insanity  
6 following a hearing conducted pursuant to a federal,  
7 Uniform Code of Military Justice, sister state, or  
8 foreign country law substantially similar to  
9 subsection (c) of Section 104-25 of the Code of  
10 Criminal Procedure of 1963 of such offense or of the  
11 attempted commission of such offense; or

12 (F) is the subject of a finding not resulting in an  
13 acquittal at a hearing conducted pursuant to a federal,  
14 Uniform Code of Military Justice, sister state, or  
15 foreign country law substantially similar to  
16 subsection (c) of Section 104-25 of the Code of  
17 Criminal Procedure of 1963 for the alleged violation or  
18 attempted commission of such offense; or

19 (2) adjudicated a juvenile delinquent as the result of  
20 committing or attempting to commit an act which, if  
21 committed by an adult, would constitute any of the offenses  
22 specified in subsection (b) or (c-5) of this Section or a  
23 violation of any substantially similar federal, Uniform  
24 Code of Military Justice, sister state, or foreign country  
25 law, or found guilty under Article V of the Juvenile Court  
26 Act of 1987 of committing or attempting to commit an act

1           which, if committed by an adult, would constitute any of  
2           the offenses specified in subsection (b) or (c-5) of this  
3           Section or a violation of any substantially similar  
4           federal, Uniform Code of Military Justice, sister state, or  
5           foreign country law.

6           Convictions that result from or are connected with the same  
7           act, or result from offenses committed at the same time, shall  
8           be counted for the purpose of this Act as one conviction. Any  
9           conviction set aside pursuant to law is not a conviction for  
10          purposes of this Act.

11          For purposes of this Section, "convicted" shall have the  
12          same meaning as "adjudicated". For the purposes of this Act, a  
13          person who is defined as a violent offender against youth as a  
14          result of being adjudicated a juvenile delinquent under  
15          paragraph (2) of this subsection (a) upon attaining 17 years of  
16          age shall be considered as having committed the violent offense  
17          against youth on or after the 17th birthday of the violent  
18          offender against youth. Registration of juveniles upon  
19          attaining 17 years of age shall not extend the original  
20          registration of 10 years from the date of conviction.

21          (b) As used in this Act, "violent offense against youth"  
22          means:

23                 (1) A violation of any of the following Sections of the  
24                 Criminal Code of 1961, when the victim is a person under 18  
25                 years of age and the offense was committed on or after  
26                 January 1, 1996:

1           10-1 (kidnapping),  
2           10-2 (aggravated kidnapping),  
3           10-3 (unlawful restraint),  
4           10-3.1 (aggravated unlawful restraint).

5           An attempt to commit any of these offenses.

6           (2) First degree murder under Section 9-1 of the  
7           Criminal Code of 1961, when the victim was a person under  
8           18 years of age and the defendant was at least 17 years of  
9           age at the time of the commission of the offense.

10          (3) Child abduction under paragraph (10) of subsection  
11          (b) of Section 10-5 of the Criminal Code of 1961 committed  
12          by luring or attempting to lure a child under the age of 16  
13          into a motor vehicle, building, house trailer, or dwelling  
14          place without the consent of the parent or lawful custodian  
15          of the child for other than a lawful purpose and the  
16          offense was committed on or after January 1, 1998.

17          (4) A violation or attempted violation of the following  
18          Section of the Criminal Code of 1961 when the offense was  
19          committed on or after July 1, 1999:

20                 10-4 (forcible detention, if the victim is under 18  
21                 years of age).

22          (4.1) Involuntary manslaughter under Section 9-3 of  
23          the Criminal Code of 1961 where baby shaking was the  
24          proximate cause of death of the victim of the offense.

25          (4.2) Endangering the life or health of a child under  
26          Section 12-21.6 of the Criminal Code of 1961 that results

1 in the death of the child where baby shaking was the  
2 proximate cause of the death of the child.

3 (4.3) Domestic battery resulting in bodily harm under  
4 Section 12-3.2 of the Criminal Code of 1961 when the  
5 defendant was 18 years or older and the victim was under 18  
6 years of age and the offense was committed on or after July  
7 26, 2010.

8 (4.4) A violation or attempted violation of any of the  
9 following Sections or clauses of the Criminal Code of 1961  
10 when the victim was under 18 years of age and the offense  
11 was committed on or after (1) July 26, 2000 if the  
12 defendant was 18 years of age or older or (2) July 26, 2010  
13 and the defendant was under the age of 18:

14 12-3.3 (aggravated domestic battery),  
15 12-3.05(a)(1), 12-3.05(d)(2), 12-3.05(f)(1),  
16 12-4(a), 12-4(b)(1) or 12-4(b)(14) (aggravated  
17 battery),  
18 12-3.05(a)(2) or 12-4.1 (heinous battery),  
19 12-3.05(b) or 12-4.3 (aggravated battery of a  
20 child),  
21 12-3.1(a-5) or 12-4.4 (aggravated battery of an  
22 unborn child),  
23 12-33 (ritualized abuse of a child).

24 (4.5) A violation or attempted violation of any of the  
25 following Sections of the Criminal Code of 1961 when the  
26 victim was under 18 years of age and the offense was

1 committed on or after (1) August 1, 2001 if the defendant  
2 was 18 years of age or older or (2) August 1, 2011 and the  
3 defendant was under the age of 18:

4 12-3.05(e) (1), (2), (3), or (4) or 12-4.2

5 (aggravated battery with a firearm),

6 12-3.05(e) (5), (6), (7), or (8) or 12-4.2-5

7 (aggravated battery with a machine gun),

8 12-11 or 19-6 (home invasion).

9 (5) A violation of any former law of this State  
10 substantially equivalent to any offense listed in this  
11 subsection (b).

12 (b-5) For the purposes of this Section, "first degree  
13 murder of an adult" means first degree murder under Section 9-1  
14 of the Criminal Code of 1961 when the victim was a person 18  
15 years of age or older at the time of the commission of the  
16 offense.

17 (c) A conviction for an offense of federal law, Uniform  
18 Code of Military Justice, or the law of another state or a  
19 foreign country that is substantially equivalent to any offense  
20 listed in subsections (b) and (c-5) of this Section shall  
21 constitute a conviction for the purpose of this Act.

22 (c-5) A person at least 17 years of age at the time of the  
23 commission of the offense who is convicted of first degree  
24 murder under Section 9-1 of the Criminal Code of 1961, against  
25 a person under 18 years of age, shall be required to register  
26 for natural life. A conviction for an offense of federal,

1 Uniform Code of Military Justice, sister state, or foreign  
2 country law that is substantially equivalent to any offense  
3 listed in this subsection (c-5) shall constitute a conviction  
4 for the purpose of this Act. This subsection (c-5) applies to a  
5 person who committed the offense before June 1, 1996 only if  
6 the person is incarcerated in an Illinois Department of  
7 Corrections facility on August 20, 2004.

8 (c-6) A person who is convicted or adjudicated delinquent  
9 of first degree murder of an adult shall be required to  
10 register for a period of 10 years after conviction or  
11 adjudication if not confined to a penal institution, hospital,  
12 or any other institution or facility, and if confined, for a  
13 period of 10 years after parole, discharge, or release from any  
14 such facility. A conviction for an offense of federal, Uniform  
15 Code of Military Justice, sister state, or foreign country law  
16 that is substantially equivalent to any offense listed in  
17 subsection (c-6) of this Section shall constitute a conviction  
18 for the purpose of this Act. This subsection (c-6) does not  
19 apply to those individuals released from incarceration more  
20 than 10 years prior to January 1, 2012 (the effective date of  
21 Public Act 97-154) ~~this amendatory Act of the 97th General~~  
22 ~~Assembly.~~

23 (d) As used in this Act, "law enforcement agency having  
24 jurisdiction" means the Chief of Police in each of the  
25 municipalities in which the violent offender against youth  
26 expects to reside, work, or attend school (1) upon his or her

1 discharge, parole or release or (2) during the service of his  
2 or her sentence of probation or conditional discharge, or the  
3 Sheriff of the county, in the event no Police Chief exists or  
4 if the offender intends to reside, work, or attend school in an  
5 unincorporated area. "Law enforcement agency having  
6 jurisdiction" includes the location where out-of-state  
7 students attend school and where out-of-state employees are  
8 employed or are otherwise required to register.

9 (e) As used in this Act, "supervising officer" means the  
10 assigned Illinois Department of Corrections parole agent or  
11 county probation officer.

12 (f) As used in this Act, "out-of-state student" means any  
13 violent offender against youth who is enrolled in Illinois, on  
14 a full-time or part-time basis, in any public or private  
15 educational institution, including, but not limited to, any  
16 secondary school, trade or professional institution, or  
17 institution of higher learning.

18 (g) As used in this Act, "out-of-state employee" means any  
19 violent offender against youth who works in Illinois,  
20 regardless of whether the individual receives payment for  
21 services performed, for a period of time of 10 or more days or  
22 for an aggregate period of time of 30 or more days during any  
23 calendar year. Persons who operate motor vehicles in the State  
24 accrue one day of employment time for any portion of a day  
25 spent in Illinois.

26 (h) As used in this Act, "school" means any public or

1 private educational institution, including, but not limited  
2 to, any elementary or secondary school, trade or professional  
3 institution, or institution of higher education.

4 (i) As used in this Act, "fixed residence" means any and  
5 all places that a violent offender against youth resides for an  
6 aggregate period of time of 5 or more days in a calendar year.

7 (j) As used in this Act, "baby shaking" means the vigorous  
8 shaking of an infant or a young child that may result in  
9 bleeding inside the head and cause one or more of the following  
10 conditions: irreversible brain damage; blindness, retinal  
11 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal  
12 cord injury, including paralysis; seizures; learning  
13 disability; central nervous system injury; closed head injury;  
14 rib fracture; subdural hematoma; or death.

15 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;  
16 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.  
17 8-16-11; revised 10-4-11.)

18 ARTICLE 20.

19 (720 ILCS 110/Act rep.)

20 Section 20-1. The Communications Consumer Privacy Act is  
21 repealed.

22 (720 ILCS 125/Act rep.)

23 Section 20-2. The Hunter and Fishermen Interference

1 Prohibition Act is repealed.

2 (720 ILCS 135/Act rep.)

3 Section 20-3. The Harassing and Obscene Communications Act  
4 is repealed.

5 (720 ILCS 210/Act rep.)

6 Section 20-6. The Animal Registration Under False  
7 Pretenses Act is repealed.

8 (720 ILCS 215/Act rep.)

9 Section 20-7. The Animal Research and Production  
10 Facilities Protection Act is repealed.

11 (720 ILCS 230/Act rep.)

12 Section 20-16. The Business Use of Military Terms Act is  
13 repealed.

14 (720 ILCS 310/Act rep.)

15 Section 20-21. The Governmental Uneconomic Practices Act  
16 is repealed.

17 (720 ILCS 315/Act rep.)

18 Section 20-22. The Horse Mutilation Act is repealed.

19 (720 ILCS 320/Act rep.)

1           Section 20-23. The Horse Racing False Entries Act is  
2 repealed.

3           (720 ILCS 340/Act rep.)

4           Section 20-26. The Sale of Maps Act is repealed.

5           (720 ILCS 355/Act rep.)

6           Section 20-36. The Stallion and Jack Pedigree Act is  
7 repealed.

8           (720 ILCS 395/Act rep.)

9           Section 20-46. The Video Movie Sales and Rentals Act is  
10 repealed.

11           (720 ILCS 535/Act rep.)

12           Section 20-56. The Air Rifle Act is repealed.

13           (720 ILCS 540/Act rep.)

14           Section 20-57. The Bail Bond False Statement Act is  
15 repealed.

16           (720 ILCS 565/Act rep.)

17           Section 20-61. The Container Label Obliteration Act is  
18 repealed.

19           (720 ILCS 585/Act rep.)



1 with subsection (c) of Section 5.04 of the Legislative  
2 Reference Bureau Act:

3 The Taxpreparer Disclosure of Information Act,  
4 reassigned from 720 ILCS 140/ to 815 ILCS 535/.

5 The Aircraft Crash Parts Act, reassigned from 720 ILCS  
6 205/ to 620 ILCS 70/.

7 The Appliance Tag Act, reassigned from 720 ILCS 220/ to  
8 815 ILCS 302/.

9 The Auction Sales Sign Act, reassigned from 720 ILCS  
10 225/ to 815 ILCS 303/.

11 The Loan Advertising to Bankrupts Act, reassigned from  
12 720 ILCS 330/ to 815 ILCS 185/.

13 The Sale or Pledge of Goods by Minors Act, reassigned  
14 from 720 ILCS 345/ to 815 ILCS 407/.

15 The Sale Price Ad Act, reassigned from 720 ILCS 350/ to  
16 815 ILCS 408/.

17 The Ticket Sale and Resale Act, reassigned from 720  
18 ILCS 375/ to 815 ILCS 414/.

19 The Title Page Act, reassigned from 720 ILCS 380/ to  
20 815 ILCS 417/.

21 The Uneconomic Practices Act, reassigned from 720 ILCS  
22 385/ to 815 ILCS 423/.

23 The Wild Plant Conservation Act, reassigned from 720  
24 ILCS 400/ to 525 ILCS 47/.

25 The Abandoned Refrigerator Act, reassigned from 720  
26 ILCS 505/ to 430 ILCS 150/.

1           The Aerial Exhibitors Safety Act, reassigned from 720  
2 ILCS 530/ to 820 ILCS 270/.

3           The Illinois Clean Public Elevator Air Act, reassigned  
4 from 720 ILCS 560/ to 410 ILCS 83/.

5           The Excavation Fence Act, reassigned from 720 ILCS 605/  
6 to 430 ILCS 165/.

7           The Fire Extinguisher Service Act, reassigned from 720  
8 ILCS 615/ to 425 ILCS 17/.

9           The Grain Coloring Act, reassigned from 720 ILCS 625/  
10 to 505 ILCS 86/.

11          The Nitroglycerin Transportation Act, reassigned from  
12 720 ILCS 650/ to 430 ILCS 32/.

13          The Outdoor Lighting Installation Act, reassigned from  
14 720 ILCS 655/ to 430/ ILCS 155.

15          The Party Line Emergency Act, reassigned from 720 ILCS  
16 660/ to 220 ILCS 66/.

17          The Peephole Installation Act, reassigned from 720  
18 ILCS 665/ to 430 ILCS 160/.

19          The Retail Sale and Distribution of Novelty Lighters  
20 Prohibition Act, reassigned from 720 ILCS 668/ to 815 ILCS  
21 406/.

22          Section 99-10. No acceleration or delay. Where this Act  
23 makes changes in a statute that is represented in this Act by  
24 text that is not yet or no longer in effect (for example, a  
25 Section represented by multiple versions), the use of that text

1 does not accelerate or delay the taking effect of (i) the  
2 changes made by this Act or (ii) provisions derived from any  
3 other Public Act."